

THE CONSTABLE'S GUIDE;

A SKETCH

OF

THE OFFICE OF CONSTABLE.

BY

ADAM WILSON, Esq., Q.C.

The Constable hath as good authority in his place as the Chief Justice hath in his.

Per POPHAM, C. J., 1 *Rolle's Rep.*, 238.

The Constable is one of the most ancient Officers in the realm for the conservation of the Peace

P. PH. 13.—4 *Inst.*, 265.

TORONTO:

W. C. CHEWETT & CO., PRINTERS, KING STREET.

1861.

82(5)

352.2

W38

cop. 2

TO THE

POLICE FORCE

OF THE

CITY OF TORONTO,

THIS SKETCH

Which has been prepared with much pleasure (and to some extent as a matter of duty) for your use, and which it is hoped may be of some service to you in the performance of your difficult, responsible, and, many times, dangerous duties, is
very cheerfully

DEDICATED

To a body of men in whose condition, efficiency and welfare, the Public are, and ought to be, greatly interested.

BY

THE MAYOR.

Toronto, 1859.

CONTENTS.

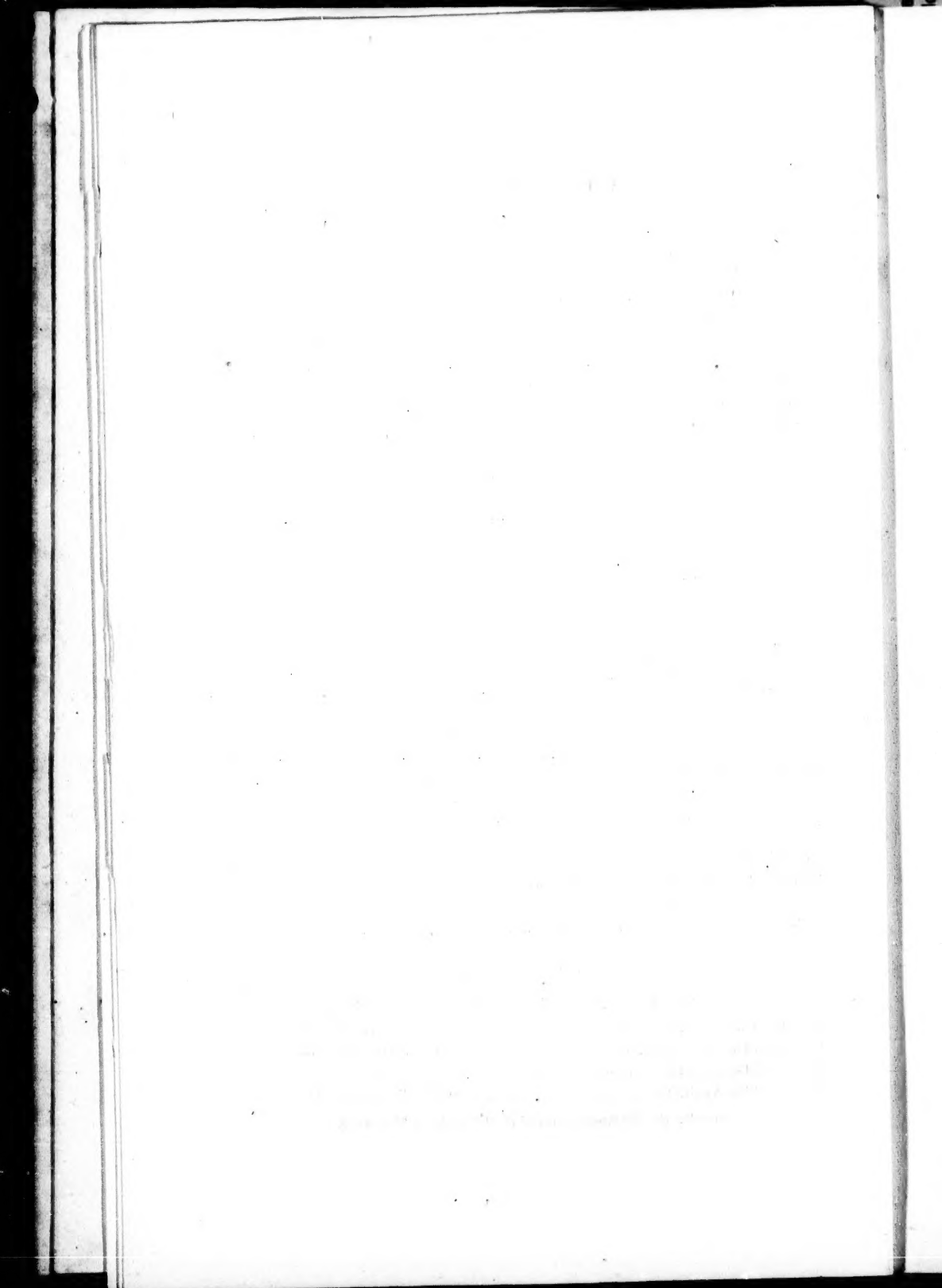
	PAGE.
I.—General History of the Office of Constable	9
II.—The Office in this Province	16
III.—The Name.....	18
IV.—In what Locality the Constable may Act	18
V.—The Constable a Conservator of the Peace as well as a Ministerial Officer	19
VI.—His General Powers as such Conservator of the Peace	19
VII.—His Duties	23
VIII.—What he may do without Warrant	25
IX.—Difference between Acting Upon and Acting Without a Warrant.....	48
X.—Respecting the Issuing and Executing the Warrant.....	49
XI.—General Statutory Provisions with respect to the Warrant and its Execution	51
XII.—General Statutory Provisions with respect,	54
1. To the Summons, in case of summary proceedings	54
2. The Distress Warrant	55
3. The Summons in case of Felony	55
4. As to Conveyance of Prisoners.....	55
XIII.—What an Arrest is	57
XIV.—As to Constables getting Confessions from Prisoners.....	58
XV.—Protection of Constables	60
XVI.—General Statutory Provisions respecting Constables... ..	64
XVII.—General Requisites for, and respecting the Discipline and Conduct of, the Force.....	79
XVIII.—Modern Improvements in the Police System.	83
XIX.—Arrangement of the Beats.....	85
XX.—History of some Police Services.....	86
XXI.—The Benefit of Photography	100
XXII.—Providing Pensions for the Men	102
XXIII.—Providing Barracks for the Men	105
XXIV.—Providing Libraries for the Stations	105
XXV.—List of Felonies.....	106

APPENDIX.

EXCELLENT ARTICLES TO BE READ IN DICKENS'S "HOUSEHOLD WORDS."

No. 20—10th August, 1850.....	"A Detective Police Party."
No. 25—14th September, 1850	"Three Detective Anecdotes."
No. 26—21st September, 1850.....	"Spy Police."
No. 57—26th April, 1851.....	"The Metropolitan Protectives."

Besides the Extracts quoted in the body of this work.



A SKETCH

OF THE OFFICE OF CONSTABLE.

I.—GENERAL HISTORY OF THE OFFICE OF CONSTABLE.

The office of Constable was, and in many respects still is, so different in this country from what it was and yet is in England, that it may be well to point out some of the principal grounds of difference.

In England, the office of Petit Constable was usually filled ^{4 Bl.Com.273.} by election of the jury who attended the Court Leet of the tithing, vill, or parish, and who were the same body as the ^{Com. Dig., "Leet."} freeholders and commorants of the locality: the Steward of the Leet ^{1 Bl.Com.356.} presiding as judge. The right of appointing a constable belonged to every Court Leet; and in the event of ^{Dougl. 537.} there being no Court Leet held, the appointment was made by two justices of the peace.

Every vill, township, and tithing was anciently entitled to a constable; and the language of the law was, that a constable ^{1 Mod. 13.} and a vill were correlative terms. But it is said that a constable cannot now be created unless by act of Parliament. ^{See, however, James v. Green, 6 T.R. 232; Weatherhead v. Drewry, 11 East. 168.} The constable was the principal man of the tithing, town, or vill, which anciently consisted of ten freeholders, with their families, and was, therefore, called a tithing. The high ^{1 Bl.Com.114.} constable was the officer appointed for the hundred, which ^{1 Bl.Com.115.} consisted of ten of these tithings, and was, therefore, called ^{6 T. R. 228.} a hundred. The hundred was, in addition to other responsibilities, held liable to parties who were robbed within it in the day time, unless the robber was apprehended. This respon- ^{4 Bl.Com.294.} sibility made it very necessary there should be able and active ^{2 Bac. Works 231.} peace officers, and with great powers constantly employed.

Willcock, s.
80. The high constable had no control over the petit constable—they each moved in different spheres; although the process to the high constable was usually directed by him to the constable of the particular locality to execute for him.

The person elected to serve as constable, was bound to accept the office, or to find a deputy. In one case, an Alderman of London was appointed constable for a small manor in Essex as an inhabitant of it: but it was held he was entitled to be excused, because by his office of alderman he was compelled to reside in London, and could not, therefore, serve in Essex. In another case, a Baronet was elected a constable in Manchester: he declined to serve, and it was held he was liable to be fined for his disobedience. And there is no doubt that any one, whatever his rank may be, is bound to serve the office if appointed to it, unless he can claim exemption upon some special grounds, as by showing that he is in holy orders, or is a barrister, physician, surgeon, attorney, justice of the peace, or that he fills some other incompatible office; but he may always excuse himself by appointing a deputy for him, as before stated.

Cro. Car. 585.
The King v. Clarke, 1 T. R. 679.
The King v. Sir O. Mosely, 3 A. & E. 488.
Reg. v. Booth, 12 Q. B. N. S. 884.
Reg. v. Wood, 1 Esp. 368.
Underhill v. Wills, 3 Esp. 58.

The constable, then, being anciently the head and principal person of his own locality, and selected by his neighbours because he was so, was the fittest person to be entrusted with the very great powers which were committed to him as a separate and independent functionary in the conservation of the peace; and this no doubt also was the reason why such very great powers were conferred upon him. These powers, in fact, remain to this day, although the office has had added to it so many inferior and merely ministerial duties, that the primary functions are apt to be forgotten; and for this cause the constable is more generally treated as the servant only of the justice, than as possessing any inherent and independent authority in himself: but this will be found, on a consideration of the law relating to his office, to be a very serious mistake.

The old law relating to Constables in England has of late years however, been very much altered and improved. The elections at the Court leet are entirely abolished, and all

appointments are now made by Justices of the Peace, or by the Chief of Police, under a variety of statutes which regulate the office.

The following are the Imperial Statutes which may be usefully referred to :

By the Municipal Corporations Act of 5 & 6 Wm. IV. c. 76, The Watch Committee is authorised to appoint the Constables for boroughs, who may nevertheless act for the whole county, and for every county within seven miles of any part of the borough (sec. 76).

The Constable so appointed are also, when attending the watch-house at night, empowered to take *bail by recognizance* from parties charged with petty misdemeanours, conditioned for the appearance of the party before a magistrate within two days (sec. 79).

NOTE.—It may be necessary to say here, as I have said hereafter, that Constables in this province can exercise no such power.

By the 2 & 3 Vic. c. 93,

It is provided, that if the Justices in Quarter Sessions are of opinion the ordinary officers appointed for preserving the peace in the county, or in any division of it, excepting boroughs, are not sufficient for the purpose, such number shall be appointed, not exceeding one man for every one thousand of the inhabitants (secs. 1, 19 & 24). And on the appointment of Constables under this Act, the power to appoint them for the hundred, or for any parish or place, excepting for boroughs, shall cease (sec. 25).

By the 3 & 4 Vic. c. 88,

The boroughs may consolidate their Police with the counties (sec. 14).

The Justices in Petty Sessions may appoint *local* or parochial Constables for any parish, township, or place, who shall have power to act in the whole county, although they shall not be bound to act beyond their own particular parish, township, or place (sec. 16).

The Justices in Quarter Sessions may divide the county, or any part of it, into police districts, and they may then appoint Constables for such districts; but the Constables

shall also be liable to serve for the whole county (secs. 27, 28).

By the 5 & 6 Vic. c. 109,

The Justices in Petty Sessions, in their several divisions, are to choose the parochial or common law Constables (secs. 1 and 11).

And such Constables may still find a substitute to serve for them (sec. 12).

The Justices may also, on resolution of the Vestry, appoint paid Constables, who shall hold their office until resignation or dismissal (secs. 18 and 19).

And it is also provided that no Constable shall, after the passing of this Act, be appointed in courts leet or in the toun, except for the performance of duties unconnected with the preservation of the peace (sec. 21).

By the 19 & 20 Vic. c. 69,

Where a constabulary is not already established for the whole county, the Justices in Sessions are to establish it (secs. 1 and 3).

The county and borough constabulary may be consolidated (sec. 5).

County Constables shall have the same power in boroughs which Borough Constables have in counties (sec. 6).

On a certificate to the Secretary of State that an efficient police has been established in any county or borough, one-fourth of the charge for pay and outlay shall be borne by the government (sec. 16).

Until the Constables appointed for any parish, town or place, are discontinued as a separate force, all the provisions of this Act applicable to Constables acting under the 5 & 6 Wm. IV. c. 76, shall be applicable to other Constables so appointed for such parish, town, or place (sec. 18).

The 20 Vic. c. 2, relates also to the same subject.

There are many other important provisions contained in these Acts than those just quoted, but as they have no particular application at present to the office in this province, it will be unnecessary to give them; an exception, however, will be made in a later part of the work in favour of the superan-

See Regina v. Booth, 12 Q. B., N.S., 884, decided on this statute.

nuating clauses, because it is conceived a similar system of pensions ought to be and must yet be adopted here before we can hope to make our constabulary as effective a body as the peace of society certainly demands.

It appears then that the old Parochial Constable is not even yet wholly dispensed with in England, if the Justices still choose to call him into operation. It is likely however that this remnant of a bygone day will soon be swept away, like many other remnants, which, however useful for their time, are but ill adapted to the present exigencies; this ancient officer, and probably for the last time, was treated by the Court in the following terms.

Lord C. J. Campbell said, "One of the greatest improvements of my time has been the appointment of paid Constables for the preservation of the peace; men properly qualified and devoting themselves to that duty, in place of the old system of Parochial Constables. It was the intention of the Legislature, in passing the late statutes, which made it compulsory on the Justices of the County in Sessions to establish a police force throughout the county, that these Constables known as the rural police should be appointed; and unless it was necessary to keep up the old system of Parochial Constables, they were not to be appointed. Still a power is preserved under the 5 & 6 Vic. c. 109, to put that Act into operation whenever it would in the opinion of the Justices be advantageous to the public."

*Regina v. the
Overseers of
N. Brierley,
4 Jur. N.B.
784.*

The Metropolitan Police are constituted for the City of Westminster, and for such parts as are contained in a schedule of the Counties of Middlesex, Surrey, Hertford, Essex, and Kent, and also for Berkshire and Buckinghamshire.

The statute 10 Geo. IV. recites, that "Whereas offences against property have of late increased in and near the Metropolis, and the local establishments of nightly watch and nightly police have been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and co-operation with each other: and whereas it is

*10 Geo. IV.
c. 44; 19 Vic.
c. 2.*

expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police, within the limits herein mentioned, which, acting under the immediate authority of one of his Majesty's principal Secretaries of State, shall direct and control the whole of such new system of police within these limits."

The statute, among other enactments, imposes a penalty on publicans harbouring policemen during the hours of duty (sec. 6).

It declares that the powers of the police shall be to apprehend all loose, idle and disorderly persons, whom they shall find disturbing the public peace, or whom they have just cause to suspect of any evil designs, and all persons whom they shall find between sunset and eight in the forenoon lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver any person so apprehended into the custody of the Constable appointed under this Act, who shall be in attendance at the nearest watch-house, to be dealt with according to law; or the Constable may, if he shall deem it prudent, take bail by recognizance for the appearance of the party (secs. 7 & 9).

And it enacts that rewards may be given for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or be worn out by length of service (sec. 12).

The 2 & 3 Vic. c. 47, contains the following enactments: It abolishes, within the Metropolitan District, the appointment of Constables at the courts leet (sec. 1).

It directs, unless it be necessary for the due execution of warrants that they should be executed without delay, that the Constable to whom they are directed shall deliver them to the superintendent or superior officer, who shall by indorsement thereon appoint one or more Constables to execute the same; and it declares that the Constable whose name is endorsed thereon shall have the same

ient system of
tly watch and
tioned, which,
his Majesty's
and control the
e limits."

es a penalty on
e hours of duty

all be to appre-
as, whom they
whom they have
and all persons
d eight in the
other place, or
tory account of
o apprehended
ted under this
nearest watch-
y; or the Con-
take bail by
ty (secs. 7 & 9).

r extraordinary
n for wounds or
e of their duty,
all be disabled
t by length of

g enactments :
et, the appoint-
. 1).

ue execution of
hout delay, that
ed shall deliver
fficer, who shall
more Constables
t the Constable
have the same

powers in executing them as if they had been originally directed to him (sec. 13).

It declares that Constables shall not resign without leave, or without giving one month's notice.

It imposes a penalty for the unlawful possession of accoutrements, or for assuming the dress of Constables, for any unlawful purpose (sec. 17).

It provides a superannuation fund for the force (secs. 22 & 23).

It authorises a Constable to take, *without warrant*, any person who in his view offends against the Act, and whose name and residence are unknown to and cannot be ascertained by him (sec. 63).

Also to take without warrant all loose, idle and disorderly persons, whom the Constable finds disturbing the public peace, or whom he has good cause to suspect of having committed, or being about to commit, any felony, misdemeanor, or breach of the peace; and also all persons whom he shall find between sunset and eight in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves (sec. 64).

Also all persons charged with recent assaults, although not within view of the Constable (sec. 65).

And also all persons found committing any offence punishable, either upon indictment or as a misdemeanor on summary conviction, by this Act.

And it authorises the Constable to take bail by recognizance if he pleases, for the appearance of the party arrested (sec. 70).

The English Police, then, appears now to be divided into

1. The London.
2. The Metropolitan.
3. The Borough; and
4. The Rural Police.

The first guards the Metropolis.

The second the country for a distance of 15 miles round the Metropolis.

The third, the other cities and boroughs ; and
The fourth, the smaller villages and country districts.

I have thought it right to state rather fully the original constitution of the office of Constable in England, and the changes which of late years have been made respecting it, and to show that the appointment of Constables both in this country and in England is now made by authority of acts of Parliament alone ; and in neither case, excepting with respect to the common law or Parochial Constables, under 5 & 6 Vic. c. 109, is a substitute spoken of or apparently allowable ; but with respect to the Parish Constables, in the statute just referred to, that common law however is not taken away, but has been expressly reserved to him as fully as he enjoyed it at the common law. I have also made reference to these acts with the further view that, if it should be thought desirable to make any changes in our own police system, by improving it for the different municipal localities—or, what would be far better, by adapting it according to some well devised plan and system, for the whole province—these suggestions and references may enable some one to prepare and propound a scheme to place the general constabulary of the province on a more uniform and perfect basis than it now rests, and nothing it is conceived is more required or can be more desirable.

II.—THE OFFICE IN THIS PROVINCE.

In this Province, the office of constable is created by statute alone ; but the officer no doubt is the same person, and possesses the same powers and authorities which the constable in England possesses, for it was one of the distinctive features in all our legislation to assimilate our laws and institutions to the pattern which we had before us in the laws and institutions of England ; and, in copying them, we did not fail to introduce the constable as the type of peace and order in social life.

Our statute law is very short and simple on the subject. The first enactment is that contained in the 33 Geo. III. cap. 2 sec. 10, which provides that “the justices of the peace in quarter sessions, in *March* in each year, shall appoint a discreet and proper person to serve the office of high constable in each

district, and a sufficient number of persons, as in their discretion might seem necessary, to serve the office of constable in each parish, township, or place; and that such persons, before entering upon the duties of their office, should take the following oath before a justice of the peace :

"You shall well and truly serve our Sovereign — in the office of — for the — of —, for the year ensuing, according to the best of your skill and knowledge. So help you God."

Afterwards, upon the incorporation of this city, in the year 1834, by 4 Wm. IV., c. 23 s. 22, the city council was authorised to establish and regulate a city watch, and to prescribe the powers of the watchmen, and to regulate the police of this city; and by s. 53, on the third Monday of February in each year, to appoint one high bailiff for the city, who should hold his office for one year, and until the appointment of his successor; and by s. 57, to employ as many constables as might seem necessary and proper, and to pay them such sum per annum for their services as might appear just. The law continued so until the year 1849, when, by 12 Vic. c. 81, s. 74, cities and towns were authorised to appoint one chief constable and one or more constables for each ward, who should hold their offices during the pleasure of the council; and by s. 88, cities were also required to appoint annually a high bailiff, and it was further provided that the offices of high bailiff and of chief constable might be held by the same person.

By the late Municipal Act, 22 Vic. c. 99 s. 376, the board of commissioners of police in cities is now authorised to appoint a chief constable and as many constables and other officers and assistants as the council may from time to time deem necessary, but not less in number than the board shall report to be absolutely required, who shall hold office at the pleasure of the board. The board of commissioners of police, then, appoint the constables for cities; the municipal council, for towns; and the magistrates in quarter sessions, for villages, townships, and all other places.

Before leaving this part of the subject relating to the office of constable in this Province, it may be well to say, that although it is settled law in England that a person appointed

to be a *parish* constable may excuse himself from serving the office, by appointing a deputy, or, more properly, a substitute for him; and although it is also true that in England the parish constable may, in case of sickness or other emergency, appoint a deputy to perform a temporary or some special service in his stead, yet it by no means follows that such a rule applies in this Province, even with respect to the township constable, far less with respect to the *police* constable. It would also seem clear—however the right may exist in the township or police constable to avoid service altogether, by finding an acceptable substitute—that neither the one nor the other, and more particularly not the police constable, can, while holding the office of constable, appoint a deputy at any time or for any purpose to serve in his stead.

I would advise, then, that no constable appoint, or attempt to appoint, a deputy; and, I may say, that I think no police constable can do so.

III —NAME.

1 Bl.Com.355. The name of constable shows the antiquity and importance of the office in former times: it is said to be derived from the two Latin words *comes stabuli*, and signifies knight or count of the stable, or, what may now be called, master of the horse. The name had its origin from the duties the constable had originally to perform in matters pertaining to chivalry, tilts, and tournaments: we now understand by the term a much more useful officer, and one in a much humbler sphere than his predecessor.

IV.—IN WHAT LOCALITY HE MAY ACT.

The constable is a local officer, that is, he is appointed a peace officer for a certain locality, as for a parish, township, or place, by the 33 Geo. III. as before cited, or for a city, town, or village, under the Municipal Act. The term *place* in the statute, for which a constable may be appointed, is a very vague expression. Probably it might have authorized the justices in quarter sessions before the Municipal Act to have appointed them for the county, although none were ever other-

wise appointed than for the township. This gave rise to the question whether when a statute authorized any constable *of the district* to make an arrest, a constable *within* the district could make it, there being no such person as the constable *of* or *for* the district. The court, however, held that as there was no such person as the constable *of* a district, any constable *within* the district might rightly act.

More will be said on this subject when the Warrant is treated of; at present it is sufficient to say that no constable of the city can act as a peace officer beyond the city without a warrant, but with a warrant—if the same be rightly addressed—issued by a magistrate of the city, who is by statute a magistrate of the united counties within which the city is situate, he may act anywhere within the magistrate's jurisdiction.

V.—THE CONSTABLE IS A CONSERVATOR OF THE PEACE, 4 Inst. 206.
AS WELL AS A MINISTERIAL OFFICER.

A constable is a conservator of the peace by the common law.

He was originally ordained to repress felons and to keep the peace. He has two different functions to perform: Firstly, original, as a conservator of the peace; and, Secondly, ministerial, as the server of precepts, &c., of magistrates, &c., &c.

VI.—HIS GENERAL POWERS AS SUCH CONSERVATOR
OF THE PEACE.

When he is acting as a conservator of the peace, that is, when he is exercising his own original and inherent functions, he may act without a warrant; and as such conservator he has very great and extensive powers. Many instances will be given hereafter, when and how far he may act without warrant, and when he must proceed only by warrant. At present, however, it may be convenient to give a short summary of the general nature of his powers as a conservator of the peace.

By the 22 Vic. c. 99 s. 379, it is declared he shall be charged,

1. With the special duties of preserving the peace;
2. Preventing robberies and other felonies and misdemeanours; and,

3. Apprehending offenders; and that
4. He shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to constables duly appointed.

4 Bl. Com. 202. It is also said by a very high authority, that the constable has great original and inherent power with regard to arrests: that he may arrest any one for a breach of the peace committed in his view, and carry him before a justice; and in case of felony actually committed, or a dangerous wounding whereby felony is likely to ensue, he may, upon probable suspicion, arrest the felon, and that for such purpose he is authorised, as upon a warrant, to break open doors, and even to kill the felon if he cannot otherwise be taken.

Coupley v. Harley, 2 Esp. 540.

Many of his other powers are as follows:

1. He may arrest any one suspected upon a complaint of felony committed, or he may, after demand of admittance and refusal, break into a house to arrest in such a case.
2. He may arrest, on complaint, him that *threatens* death.
3. It is said he may, in some cases, take surety from or for the party arrested for his appearance before a magistrate—he may certainly, after arresting upon a suspicion of felony, discharge the party altogether, if he find his suspicion groundless. So, if he arrest in consequence of its appearing that a dangerous wound has been inflicted, likely to end in felony, he ought not to detain the party if, on examination, it is evident the wound is not dangerous. And it would seem, if he can discharge absolutely in such cases, there can be no good reason why he should not be able to discharge in a more qualified manner, namely, by taking security from the party, or from other persons for him, for his appearance before a magistrate, as the condition of his being discharged; and particularly in a case where, although it cannot be said there is no evidence against the party, it is nevertheless so slight, that it may be doubtful whether any charge can be maintained against him. It is clear, however, that a

H. P. C. 92-93.

Willcock, s. 98.

Willcock, s. 98.

H. P. C. 136.

McCloughan v. Clayton, 1 Holt's N. P. C. 478.

Willcock, s. 95.

constable cannot take a recognizance, or any obligation *to keep the peace* : and I recommend also that no constable shall ever *take security from* any one who has been arrested or who ought to be prosecuted ; for that constable will best perform his duty who does not, in any case, allow a party against whom there is the slightest suspicion, to go at large, upon any security or upon any offer of security, without the interposition of H. P. C. 135. a magistrate, for his general duty is " to take all wrong *Ree v. Bootle*, 2 Bur. 804. doers before a magistrate ;" and he should know that if he wrongly discharge a prisoner committed to his custody, he may be indicted for his misconduct. 22 Vic. c. 99, s. 371.

4. He may, however, by statute take security from the complainant that *he* will appear and prosecute under the following circumstances :

- (1.) If a complaint is made to the constable that any breach of the peace has been committed ; and,
- (2.) If he have reason to believe that such breach was committed (although not in his presence) ; and,
- (3.) That there is good reason to apprehend the arrest of the person charged is necessary,
 - (a) To prevent his escape ;
 - (b) To prevent a renewal of the breach of the peace ; or,
 - (c) To prevent immediate violence to person or property.

Then the officer may take satisfactory security from the person complaining that he will, without delay, appear and prosecute the charge before the police magistrate, or before the mayor or sitting justice ; and he may also then, without warrant, arrest the person charged, in order to his being conveyed, as soon as conveniently may be, before the magistrate, mayor, or justice, to be dealt with according to law.

5. He may make proclamation that affrayers do depart. H. P. C. 92.
6. He may, on fresh pursuit, follow an affrayer into another county. Willcock, s. 84.

H. P. C. 136.

7. He may break open a house to which an affrayer has fled, to take him. Here and everywhere else when it said a house may be broken, it is to be understood that can only be done,

- (1.) After demanding admission ;
- (2.) After acquainting the inmates of the object of the demand ; and,
- (3.) Upon being refused admission, for not until then can any house be forcibly broken.

3 Inst. 158.

8. He may break open the house, if refused admission, in which an affray is going on. *Affray*, signifies to affright ; an affray, is said to be a skirmish or fighting between two or more to the terror of the public ; and there must be a stroke given or offered, otherwise it is not an affray : but it appears if a man arm himself with dangerous and unusual weapons, as naturally to cause terror to the people, it will be an affray, although there be no actual violence ; but quarrelsome or threatening words will not make an affray, and, therefore, it is not allowable to lay hands on another for merely quarrelling with angry words, in such a case the constable should admonish them to refrain. If they do not refrain, and if the words are urging or intended to lead to a breach of the peace, it would seem the parties may be arrested, as for a breach of the peace and a nuisance.

Willcock, s.
81.Jac. Law
Dicty. "Affray."

6 C. & P. 723

Jacob's Law
Dicty. "Con-
stable."
Willcock, s.
86.Willcock, s.
87.2 H. P. C. 95-
97.
*Reg v. Preb-
ble*, 1 F. & F.
325.

9. He may arrest one who opposes or insults him in the execution of his duty, although only by words.

10. He may, after demand and refusal, break into a house, and particularly a tavern, to put a stop to any noise or disorderly drinking which may be going on there at an unseasonable hour of the night : but drinking at a late hour is not illegal, when there is no nuisance or disturbance, or any danger thereof.

Willcock, s.
140.

11. He may arrest any one unknown to him, and take him before a magistrate, for profanely swearing or cursing in his presence.

H. P. C. 136.

12. He may arrest for prevention of felony.

13. He may arrest one for selling wares, or using unlawful sports on Sundays. Com. Dig. "Leet," M. 9.
14. He may arrest any one for playing with false dice, or committing any other indictable fraud affecting the public. Sir W. Jones 249. Com. Dig. "Plunder," 3 M. 22.
15. He may arrest any one for keeping a common gaming house; for it is a nuisance and a misdemeanour. Res v. Rosier, 1 B. & C. 272; Res v. Taylor, 3 B. & C. 502; Res v. Dixon, 10 Mod. 336; Leach's C. C. 548; 1 Hawk P. C. c. 25, s. 3.
16. And so also for cock fighting; for it is illegal and indictable at the common law. 1 Russ. 300. Bac. Abr. "Gaming" A.
17. He may arrest night walkers, and persons who frequent bawdy houses, that is, he may arrest persons found misdoing; but he cannot take up a woman of ill-fame on mere suspicion, who is not misconducting herself. A woman found between one and two in the morning, who is a loose, idle, lewd, and disorderly person, and a common street walker, and who is behaving herself riotously, and walking the streets to pick up men, may be arrested without warrant, and kept in custody until she can be taken before a magistrate.

These are many of the powers of the constable; and although it is not pretended to give them all, it is very probable this list will be found to contain the principal of them.

VII.—HIS DUTIES.

It will be needless to repeat many of the duties of the constable which are to be inferred from the list of his powers: for instance, when it is said he may arrest to prevent felony, it necessarily follows that it is his *duty* so to do; and it would be impossible without needless repetition, to set out his powers in one place, and his duties in another, as they run so frequently into and side by side of each other.

A few of his general duties may be stated as follows:

1. He must execute within his locality all process of the justices directed to him, when the justices have jurisdiction in the place, and over the matter contained in the warrant. Com. Dig. "Leet," M. 10. 1 Salk. 381.

- 1 Salk. 381. 2. He must certify what he has done upon every warrant ; but he ought not to give it up, for it is his protection.
- Com. Dig. "Leet," M.10. 3. He should make outery and pursue, till taken, any one making resistance with force.
- Stocken v. Curter*, 4 C. & P. 477. 4. He should call out and give warning to the public at any large gathering, if he see thieves or other suspicious characters about, to beware of them.
- 1 Bl.Com.355. 5. He must keep watch and ward : *ward* being applied to the day, and *watch* to the night time.
- 11 Geo. II. c. 19 s. 7. 6. He must aid landlords in the daytime to break open any house to which the goods of a tenant have been clandestinely removed, and are fraudulently concealed ; but if such place is a dwelling house, oath must first be made before a magistrate of there being reasonable ground to suspect that the goods are concealed there.
- Imrason v. Cope*, 5 C. & P. 103. 7. He should use all reasonable force to keep back the people crowding forward to a place which has to be kept clear ; but he must not strike any one a blow to make him stand back, when such person cannot get back in consequence of the pressure behind him.
- Wright v. Court*, 4 B. & C. 595. 8. He should treat without unnecessary hardship or restraint, and should not handcuff any one when he has no reason to fear an escape, and when the person is behaving peaceably : he is very reprehensible if he do so ; and
- Osborne v. Veitch*, 1 F. & F. 317. 9. He should observe all the regulations laid down for his guidance by his superiors.

It has long been complained of that such powers should be committed to constables, and it has been said, that it is better they should be kept in ignorance of them, than know what they are.

In 1 Bl. Com. 355, it is said : " Of the extent of which powers, considering what manner of men are for the most part put into these offices, it is perhaps very well that they are generally kept in ignorance." But this has been well answered by the editor, who adds, in a note, " If their powers are dangerous, they ought to be curtailed by the Legislature, but surely every officer ought to know the extent of his duty and authority."

VIII. WHAT THE CONSTABLE MAY DO WITHOUT WARRANT.

Firstly—In case of a breach of the peace or other offence less than felony: Secondly—In case of felony: Thirdly—As to breaking open outer doors, windows, &c.; and, Fourthly—As to arresting on Telegrams.

Firstly—In case of a breach of the peace or other offence less than felony.

The constable is bound to take up any one committing a breach of the peace in his view—he may, also, when there has been a breach of the peace, though not in his presence, and in order to prevent a renewal of it, arrest one whom he has good reason to think is about to break it—but when no breach of the peace has taken place in his view, and there is no likelihood of its being broken, he cannot, either at his own instance, or on the complaint of any one, arrest without a warrant, unless under our statute, when he must take security from the complainant for his appearance to prosecute—neither can he receive any person from another, who has been arrested by that other for an alleged breach of the peace, unless at his own risk, that is, if the party taken have broken the peace, the constable will be right in receiving him into his custody; but if he have not, the constable will be liable in taking him, in like manner as the other will who delivered him to the constable. The general rule, therefore, for the constable is, never to arrest or receive any one into his custody for any offence less than felony, unless,

1. The constable has either seen the offence committed; or,
2. Fears a breach of the peace; or,
3. Unless he is required to do so by the complainant, upon security being given as aforesaid.

The following decisions will exemplify the general rule as to arrests for offences less than felony.

Several officers of the Guards, including the defendant, were ringing and knocking at many of the doors at Eton, and making a disturbance at or about midnight—the high constable begged them to go home, but instead of doing so, they continued the disturbance for nearly three hours—about three in the morning, while the plaintiff was looking out of

In Cooke v. Neathercole,
6 C. & P. 741.

his window, the high constable asked him to assist in taking the parties into custody—the plaintiff came out when one White desired the defendant to go home : the defendant said, “ If you do not leave me alone, I will knock your brains out, or give you a good ducking.” Plaintiff and White laid hold of the defendant to take him to the cage, and when near the cage door, all three fell over a heap of rubbish, when the defendant kicked the plaintiff.

The judge (Mr. Baron Alderson) told the jury :

“ The questions for your consideration are, whether the defendant was engaged in the affray; whether the constable had view of it while the defendant was engaged in it; and whether it was continuing when he ordered the plaintiff to apprehend the defendant—if you are satisfied that all these points are made out, and that the defendant assaulted the plaintiff, while the plaintiff was endeavouring to apprehend him, such assault is unjustifiable, and the verdict should be for the plaintiff.

“ If, however, there had been an affray, and that affray was over, then the constable had not and ought not to have the power of apprehending the parties engaged in it; for the power is given him by law to prevent a breach of the peace, and where a breach has been committed and is over, the constable must proceed in the same way as any other person, namely, by obtaining a warrant from a magistrate.

“ The right of the plaintiff to apprehend the defendant, is a serious question involving the power of constables, and a wrong decision upon it would materially affect the liberty of the subject. The words used by the defendant would be no justification for his apprehension, unless he were a party to the affray, and you think that those words showed the affray was still going on. If the apprehension of the defendant were unlawful, he had unquestionably a right to struggle to get away; but if the apprehension were lawful, he had no right to do so, and he is answerable for all the consequences.”

The jury gave the plaintiff £125 15s. 6d. damages.

Some one had obtained goods several times from the defendant on false pretences. As the plaintiff was passing by the

assist in taking
out when one
defendant said,
your brains out,
White laid hold
when near the
bush, when the

jury :
re, whether the
er the constable
ged in it; and
the plaintiff to
d that all these
nt assaulted the
g to apprehend
rdict should be

d that affray was
not to have the
in it; for the
h of the peace,
s over, the con-
y other person,
rate.

he defendant, is
constables, and a
ct the liberty of
nt would be no
were a party to
owed the affray
defendant were
struggle to get
he had no right
equences."

damages.
from the defen-
passing by the

defendant's snop, the defendant's servant pointed out the plaintiff as the person who had so obtained the goods: upon which the defendant, having strong suspicion that the plaintiff was the person who had committed the offence, gave him in charge to a peace officer to be taken before a magistrate for examination—the officer took the plaintiff before a magistrate, and on examination the plaintiff was discharged, as he was not sufficiently identified. He now brought an action for damages for the trespass in arresting him.

The jury found all these facts true, and gave a verdict for the defendant; but the court set it aside, and gave judgment for the plaintiff, because the defendant had no right, for any offence less than felony, to arrest on mere suspicion. The Chief Justice said:

"Here the case is only of suspicion: the instances cited, of arrest on suspicion after the fact is over, relate to felony—in case of misdemeanour (and the distinction between felony and misdemeanour is well known, and there is no authority for distinguishing between one kind of misdemeanour and another,) it is much better that parties should apply to a justice of the peace for a warrant, than take the law into their own hands, as they are too apt to do."

Ward, a watchman, said, that in the evening when he was on duty, in consequence of hearing a noise, he went into the defendant's public house, where he found the plaintiff and a number of young men "sky-larking, bonneting, and kicking up a rumpion, and there was a piece of work,"—he took the plaintiff by the collar out of the house, and after getting him a few yards away he let him go: the plaintiff then said he would go back and have his revenge. Ward further said, that he went round his beat, and, on returning to the defendant's house, he heard a person at the door cry "watch," and he in consequence went in, and there found the defendant trying to put the plaintiff out of the house, the plaintiff resisting by holding on to the defendant's collar. Ward and another watchman took the plaintiff into custody.

The judge (Mr. Baron Parke) said to the jury:

"You must be satisfied that the plaintiff had committed a

*In Howell v.
Jackson, 6 C.
& P. 723.*

breach of the peace, and that the watchman saw him do so. If a man come into a public house and conduct himself in a disorderly manner, and the landlord request him to go out, and he will not, the landlord may turn him out—the landlord may turn one out for making a disturbance, although it do not amount to a breach of the peace—to do this the landlord may lay hands on him without being guilty of a breach of the peace; and if the person resist and lay hands on the landlord, that is an unjustifiable assault on the landlord, and if Ward saw such an assault committed, he was justified in arresting the plaintiff.

“If the plaintiff made such a noise and disturbance (even without any assault at all) as would create alarm in the neighbourhood, that would be such a breach of the peace as would not only authorize the defendant in turning the plaintiff out of doors, but it would also give the defendant a right to deliver the plaintiff into custody, *if this occurred in the view of the watchman.*”

“Ward says that he saw ‘the piece of work,’ and what he calls *bonneting*, the first time he went to the house—now, if the plaintiff and others were misconducting themselves in a manner calculated to disturb the neighbourhood, this would justify the watchman in turning the plaintiff out, and taking him into custody, if, on his going to the house a second time, he found the plaintiff *still there*; and more particularly that would be so if Ward, on the second occasion, saw the plaintiff still joining in such disturbance as would be a breach of the peace.”

A verdict was thereupon entered for the defendant.

NOTE.—This assumes that it was wrongful for the plaintiff to go back, which it might not have been, although it might be inferred that it was so, because he had said he would go back and have his revenge; but even this would not justify the watchman in taking him into custody, unless on the second occasion the plaintiff was still continuing his improper conduct.

In *Rees v.*
Bright, 4 C.
& P. 387.

The prisoner went about half-past ten at night to Haggar's house, and demanded to see the maid servant. Mrs. Haggar desired him to quit the house, which he refused to do; and the prosecutor, who was a constable, was sent for—before the

in saw him do so. duct himself in a him to go out, and the landlord may though it do not this the landlord of a breach of the s on the landlord, ord, and if Ward tified in arresting

disturbance (even alarm in the neigh- he peace as would g the plaintiff out t a right to deliver in the view of the

ork,' and what he he house—now, if g themselves in a rhood, this would ff out, and taking use a second time, e particularly that n, saw the plaintiff oe a breach of the

defendant.

or the plaintiff to go t might be inferred o back and have his ehman in taking him laintiff was still con-

night to Haggar's nt. Mrs. Haggar refused to do; and nt for—before the

constable came, the prisoner left the house and went into the garden : in about twenty minutes after the constable came—the prisoner did nothing in his presence; but upon the prisoner saying “if a light appear at the windows I will break every one of them,” the constable took him into custody, and with the assistance of others, confined his hands with a cord—the prisoner borrowed a knife to cut the cord, and, in endeavouring to cut it, wounded the constable.

The judge (Mr. Justice Parke) said :

“I think the detention of the prisoner was illegal : there was no breach of the peace when the prisoner was taken into custody : if death had ensued from the prisoner's resistance it would not have been murder, but manslaughter—something had certainly taken place previously to the arrival of the constable, but still, when he did arrive, he had no charge given him to take the prisoner.”

Verdict for the prisoner, not guilty.

NOTE.—The constable would not have been obliged to have taken the prisoner into custody for the previous acts, and he never should take him into custody for this offence, which was less than a felony, as he himself did not see it.

The defendant, a constable, had stopped a fight between two boys, and was handcuffing one of them—the plaintiff, according to the evidence for him, said to the defendant, “you have no right to handcuff the boy;” upon which the defendant struck him a blow with his stick, and took him to the watch house—according to the evidence for the defendant, it appeared that as the defendant was taking the boy to the watch house, the plaintiff placed himself before the defendant to prevent his doing so.

The judge said :

“There can be no doubt the constable was right in stopping the fight; and he would be justified in apprehending any one who aided or abetted those who fought : but it did not appear the plaintiff did either. If the plaintiff placed himself before the defendant to prevent his taking the boy to the watch house, that would justify the defendant in detaining the plaintiff at the watch house, but not in beating him; but if the plaintiff

In Levy v. Edwards. 1 C. & P. 40.

only said, 'you have no right to handcuff the boy,' the defendant was clearly a wrong doer as to the whole."

Verdict against the constable, £2.

In *Timothy
v. Simpson*,
5 Tyr. 244.

The defendant was a linen draper—the plaintiff was passing his shop, and seeing an article in the window with a ticket apparently attached to it denoting a low price, sent his companion in to buy it: the shopman refused, and asked a larger price—the plaintiff went in himself, and required the article at the lower rate—the shopman still insisted on the greater price—the plaintiff called it an imposition—some of the shopmen desired him to go out of the shop in a somewhat offensive manner—he refused to go without the article at the price he had bid for it—the shopmen pushed him out—before they did so, he declared he would strike any man who laid hands on him—one of the shopmen struck the plaintiff on the face near the door—the plaintiff went back and returned the blow, and a contest commenced, in which the other shopmen took a part and fell on the plaintiff—the noise brought down the defendant, who was in a room above; and finding the shop in disorder, and the plaintiff on the floor struggling and scuffling with the shopmen, he sent for a policeman. In the meantime the plaintiff was taken hold of by two shopmen, who relinquished their hold before the policeman came—when he came, the defendant requested the plaintiff to leave the shop; but he refused, unless he first got his hat, which had been lost in the scuffle—he was standing in the shop, insisting on his right to remain, and a mob was gathering round the door, when the defendant gave him in charge of the policeman, who took him to the station—the defendant followed; but on the recommendation of the constable at the station, the charge was dropped.

From these facts the plaintiff was, in the first instance, a trespasser, by refusing to quit the shop when requested—the first act of unlawful violence and breach of the peace was committed by the shopman: that led to a conflict clearly amounting to an affray, the latter part of which took place in the defendant's presence.

the boy,' the defendant whole."

plaintiff was passing with a ticket office, sent his constable and asked a larger constable to require the article on the greater end—some of the top in a somewhat the article at the pushed him out—like any man who struck the plaintiff went back and ended, in which the plaintiff—the noise room above; and plaintiff on the floor sent for a policeman hold of by two the policeman arrested the plaintiff first got his hat, standing in the mob was gathered him in charge tion—the defendant of the constable

first instance, a requested—the of the peace was conflict clearly ch took place in

"The court determined that as the defendant had himself witnessed an affray, and while he had a reasonable apprehension of its being continued, he was justified, particularly as the plaintiff was still on the spot where the affray was committed, in giving the plaintiff into the custody of the constable—though the constable had seen no part of the affray—to be taken before a justice of the peace.

"It is clear that any person present may arrest the affrayer at the moment of the affray, and detain him till his passion has cooled down, and his desire to break the peace has ceased, and then deliver him to a peace officer and, if that be so, what reason can there be why he may not arrest an affrayer after the actual violence is over, but while he shows a disposition to renew it by persisting in remaining on the spot where it was committed. While those who committed the violence are assembled together, and the danger of their renewing it continues, the affray itself may be said to be continuing; and during the affray the constable may, not merely on his own view, but on the information and complaint of another, arrest the offender, and, of course, the person so complaining is justified in giving the party in charge to the constable. The power of peace officers to interfere on their own view, appears not to differ from that of any other of the King's subjects."

This does not, however, decide whether a constable who has not seen the act, is bound to take a party arrested as an affrayer, who has been arrested by a private person, but only that he may do so; nor does it appear from this whether, if he do receive the party taken into his custody, he would in his justification be bound, not merely to show the information made to him, and his reasonable ground for belief in the charge, but that an affray had in fact occurred, and that the party taken was concerned in it. This he need not do in a case of felony—must he do so in cases less than felony? I think he must.

The plaintiff was rapping violently at the defendant's door, and threatened to do so till the defendant would give up a book which was demanded—the defendant sent for a constable to take the plaintiff into custody, and to prevent him from

In *Baynes v. Brewster*, 2 Ad. & El. N. S. 375.

disturbing the defendant—the plaintiff, ascertaining he was about to be arrested, ceased the rapping, and ran off the defendant's premises—the defendant immediately pursued the plaintiff, and overtook him near the premises; and then delivered him to the constable, to be taken before a magistrate to be dealt with according to law.

It was held this was no defence; for as the constable had seen no breach of the peace, and as there was no apprehension of the disturbance being continued and repeated, that he was not justified in arresting the plaintiff without a warrant.

One of the judges (Williams, J.,) said :

"It is not a question how far a constable is justified in interfering where an affray is going on; but no principle is more generally assumed, than that a warrant is necessary to entitle him to interfere after the affray was over—the disturbance was discontinued before the arrest was made."

Coleridge, J., said :

"The plaintiff quitted the premises when he ascertained the constable was coming; and it is not shewn that the plaintiff, after quitting the premises, either threatened or intended to continue the breach of the peace—the question is, simply whether after a breach of the peace is over, a constable who has not seen it may take up the party without warrant.

Wightman, J., in speaking of the arrest in this case having been wrongful without a warrant, says : "the point is perfectly clear."

*Regina v.
Walker, 23*

J. M. C. and, after two hours time, returned with assistance and took the party.

It was held that the constable was not justified in apprehending the prisoner after the lapse of such an interval.

*Reg. v. Light,
3 Jur. N. S.
1130.*

The prosecutor, about eleven o'clock at night, found the defendant's wife crying, with her three children sitting under a hedge opposite the defendant's cottage—he went with her into the house, and found the defendant intoxicated, but sufficiently sober to know what he was doing—the defendant's wife, in the hearing of the defendant, stated to the prosecutor

aining he was
off the defen-
pursued the
and then deliv-
magistrate to

constable had
apprehension
, that he was
arrant.

s justified in
o principle is
necessary to
er—the dis-
made."

certained the
the plaintiff,
r intended to
n is, simply
onstable who
arrant.

case having
point is per-

o went away,
nce and took

ed in appre-
interval.

, found the
itting under
nt with her
ed, but suffi-
defendant's
e prosecutor

that the defendant had knocked her down, and beaten her shamefully. Henry Cooke, a neighbour, was present, and stated to the prosecutor, in the defendant's hearing, that he had seen the defendant a few minutes before knock his wife down and jump upon her, she being advanced in pregnancy—the defendant said nothing on hearing these statements—the prosecutor left the house, leaving the defendant and his wife and children in it—the defendant came out and closed the outside shutters, and then went inside and locked the outer door—the prosecutor remained outside, and heard the defendant using violent and threatening language to his wife, and saw her run out of the cottage with her children—the defendant said he would lock them out all night, upon which they went back again to the house—the prosecutor heard the defendant again use very violent language—the prosecutor then opened the outside shutters, and he and Cooke looked in, and both of them saw the defendant take up a shovel and hold it in a threatening attitude over his wife's head; and they heard him say at the same time, "If it was not for the bloody policeman outside I would split your head open, for it was you that sent for the policeman,"—he was near enough to have struck his wife—soon after he partly undressed himself, and lay down on the sofa—his wife asked him to go up stairs, and let her have the room below to herself—he said to her, "My lady, take yourself off to bed,"—she replied, "I cannot go up stairs in this state: I don't know one hour from another when I might be murdered,"—the defendant said, with an oath, "I'll leave you altogether;" and he put on the clothes he had taken off, and went out—this was about twenty minutes after he had lifted the shovel and held it over his wife's head—when he had got about seventy yards from his own cottage, the prosecutor took him into custody without a warrant. Cooke, who had seen and heard all that took place, insisted on the prosecutor taking the defendant into custody, because he thought it would not be safe to let him go back to his wife that night—the defendant, on being arrested, put his hands into the prosecutor's neck-cloth, and struggled with the prosecutor, who became exhausted and fell, and the defen-

dant got away from him — he was afterwards taken on a warrant, tried, and found guilty.

The defendant contended the policeman (the prosecutor) was not in the due execution of his duty when he arrested the defendant, because he had no warrant; and the words spoken by the defendant when he held the shovel over his wife's head showed he was not committing, nor about to commit, an assault; and because the prosecutor had suffered too long a time to elapse before he took the defendant into custody; and when he did so the plaintiff was peaceably walking away in a direction from his cottage.

The court overruled these objections.

The Chief Justice said, in pronouncing judgment: "The defendant was properly convicted — the policeman himself saw what in point of law amounted to an assault, committed by the defendant on the person of his wife, accompanied with violent language and threats which would imply danger to the woman's life — not long after this assault the defendant was arrested — it was a continuous pursuit, with reasonable grounds for apprehending further danger — it is true the arrest took place after the defendant had left the house, but there was nothing to satisfy the policeman that the man did not mean to return; and, indeed, another person called upon the policeman to apprehend the defendant, upon the ground that if he did return his wife's life would be in danger."

Erle, J., says: "I think there was a continuing danger, and a continuing pursuit."

Martin, B., says: "It seems to me it was all one continuing transaction; and I think the officer would not have done his duty if he had not apprehended the defendant."

See, also, Derzcourt v. Corbishley, 5 El. & Bl. 188; *Bowditch v. Balchin*, 5 Exch. 378; *Carpley v. Harleg*, 2 Esp. N. P. C. 540: and *see, also*, as to what an assault is.

In *Osborne v. Veitch*, 1 F. & F. 317.

A threat to shoot a person, and presenting a loaded gun at him, although the gun be only at half cock, is an assault, and justifies a constable in arresting: but the judge said, in this case "the handcuffing was utterly unlawful."

Secondly—In case of felony.

The constable may arrest for any felony committed in his presence—he may also arrest on his own suspicion that a felony has been committed; and that the party he arrests is or was concerned in it—or he may arrest on the information of another that a felony has been committed, and that the person arrested is or was concerned in it.

When he acts upon his own suspicion it must not be upon a very loose, vague suspicion, either of an offence having been committed, or of its having been committed by the person arrested; but he must, in the language of the law, have *reasonable and probable cause for believing* both of these facts: for if he arrest without having a reasonable and probable cause for doing so, he will be liable to answer in damages to the aggrieved party for making the arrest; but if he arrest under justifiable circumstances, he will not be liable for making the arrest, although the party taken was not concerned in the felony nor will he be liable even although there was no felony at all committed. So also if a constable arrest one for a felony upon information derived from another, he will be fully authorized in doing so if he had reasonable and probable cause for believing the information he got to be correct; and he will not be liable, although, as before stated, no felony in fact had been committed at all.

And this is the important distinction between the constable and a private person: if a private person arrest one for felony upon suspicion, or upon information derived from another that a felony has been committed, and that the party taken was concerned in it, he must prove—in the event of any action being brought against him by the person arrested—not only that he, the person who made the arrest, had reasonable and probable cause for believing that the plaintiff was concerned in the commission of the felony, but he must prove expressly that a felony was, in fact, committed; and, unless he do this, he will be responsible for making the arrest, however strong the grounds were of his suspicion or belief: while, as before stated, the constable need not prove a felony to have been

committed, but merely that he had *reasonable and probable cause* for believing so.

The constable, however, must be careful that *he has such* reasonable and probable cause to justify his proceedings; for if he have not he will be liable, in like manner as any one else would be, for his malicious conduct—he must consider,

1. Who it is who gives him the information ;
2. Who the person is who is alleged to have committed the offence ; and
3. The general probability of the facts narrated.

He ought not, for instance, to arrest without a warrant any one charged with receiving stolen goods upon the information of one of the principal felons. So also it follows, that if he arrest on his own suspicion of the party being a felon, or upon information communicated to him by another, he should not detain the party arrested after his suspicions are, or ought to be, entirely removed, or if he discover the information which was given to him to be false or untrustworthy.

The following cases will illustrate these different rules.

In Beckwith v. Philby, Wilks and Spicer, 6 B. & C. 635.

The plaintiff brought an action against these three parties : Philby, being high constable of Ongar, in Essex, and Wilks and Spicer, being constables of that parish, for assaulting, handcuffing, and imprisoning him, without any reasonable and probable cause on a false and pretended charge of felony.

The plaintiff was returning with a saddle on his back from Romford market, where he had sold a horse—one Gould, a farmer, passed him : Gould told Philby of the man, and said he ought to look after him. Philby went and asked the plaintiff several questions, to which he gave such answers as induced Philby to think he had either stolen a horse, or was about to steal one—the plaintiff was searched, and was again asked by Philby where he came from—the plaintiff said he came from Cheshunt : he had been to Romford to sell a horse : his name was Beckwith, and he had got the horse from one Bartlett ; and he referred Philby to one Noble who lived in the neighbourhood. Philby did not refer to Noble that night, but he sent for Wilks and ordered him to take the

plaintiff to the watch house and handcuff him, which was done — next morning Wilks gave him to Spicer, who took him before a magistrate, who examined him, and said he thought it his duty to detain him; but if there was anybody who would be bound for his appearance, he might go home to his family. Noble became bound for his appearance, and he was discharged. Philby was present at this examination — on enquiry at Cheshunt it appeared the plaintiff had bought a horse from Bartlett, and nothing appeared against his character — no horse had been stolen about that neighbourhood, on or for some days before the plaintiff was arrested; but many had been stolen within the preceding month.

The defendants contended that there was reasonable cause to suspect the plaintiff of having committed a felony; and that such reasonable cause of suspicion justified a constable in arresting and detaining the party suspected, even if it appeared no felony had in fact been committed: although it would not, in that case, justify a private individual.

The plaintiff contended that as no charge of felony was made by Gould to Philby against the plaintiff, and as no felony had been committed at all, Philby was not justified in making the arrest (without warrant); and neither he nor the other defendants were justified in detaining the plaintiff during the night.

The judge directed the jury to find a verdict for the defendants, if the jury thought the defendants had reasonable cause to suspect the plaintiff had committed a felony: and accordingly the jury found for the defendants.

Afterwards, the plaintiff applied for relief to the court, when Lord Tenterden, C. J., said:

"I am of opinion there is no ground for disturbing the verdict — whether there was any reasonable cause for suspecting the plaintiff had committed a felony, or was about to commit one, or whether he had been detained in custody an unreasonable time, were questions of fact for the jury: which they decided against the plaintiff, and in my opinion, most correctly.

"The only question of law in this case is, whether a constable having reasonable cause to suspect a person has committed a

felony, may detain him until he can be brought before a justice to have his conduct investigated.

"There is this distinction between a private individual and a constable: in order to justify the former in causing the imprisonment of a person, he must not only make out reasonable ground of suspicion, but he must prove that a felony has actually been committed; whereas a constable, having reasonable ground to suspect that a felony has been committed, is authorized to detain the party suspected until enquiry can be made by the proper authorities.

"Now in this case, it is quite clear upon the evidence—and the jury have so found—that the conduct of the plaintiff had given the defendants just cause for suspecting that he either had committed, or was about to commit, a felony; and I am therefore of opinion that the action is not maintainable."

In *Lawrence*
v. *Hedger*, 3
Tannt. 14.

The plaintiff was passing through London with a bundle in his hand about ten at night: he was stopped by the watchman who took him to the watch house, where the *defendant*, a *beadle*, was in attendance, who asked him what he had in his bundle, and who gave it to him?—he said he did not know, but he was carrying it to his sister; and he referred to a house at which enquiry might be made for his veracity—the beadle did not send to enquire, but sent the plaintiff to gaol.

The jury found in favor of the defendant.

Mansfield, C. J., said: "Any watchman might detain the plaintiff, and carry him to a constable; and it was the constable's duty to secure him when so apprehended."

Heath, J.: "It would be extremely mischievous if it were not so—numbers of persons are convicted in consequence of their being stopped by watchmen while they are carrying bundles in this way."

Chamber, J.: "The case of *Samuel v. Payne*, Dougl. 359, was an arrest in the day time, which was much stronger; but in the night when the town is asleep, and it is the especial duty of the watchmen and other officers to guard against malefactors, it is highly necessary that they should have such a power of detention. And in this case what do you talk of

groundless suspicion?—there was abundant ground of suspicion here—we should be sorry if the law were otherwise.”

The plaintiff called at Riding's house, and offered some old clothes for sale—after he left the house he was pursued by several persons, and charged by Riding with having stolen a great coat from his house—Riding desired the plaintiff to return with him, and he did so. Riding sent for Clayton, who was a constable, and gave the plaintiff in charge to him for a felony—the plaintiff was searched by the constable, and dismissed without having been taken before a magistrate: it did not appear that Riding was justified in his suspicions.

The plaintiff sued both Riding and Clayton, the constable, for the assault and imprisonment.

The counsel for the plaintiff admitted that there was a distinction between an arrest by a constable, and an arrest by a private person—that the constable may apprehend upon a suspicion of felony without proof of a felony actually committed, but a private person cannot arrest upon bare suspicion; for he must obtain a warrant, upon oath, from a magistrate, or prove a felony to have been actually committed at the time of the arrest—he also contended, that Clayton, the constable, ought to have pursued the charge, and to have carried the plaintiff before a magistrate; that he could not apprehend and discharge a man at his own pleasure.

Mr. Justice Bayley told the jury—“that Clayton, the constable was not bound, at all events, to take the plaintiff before a magistrate—if the law give a constable the right to apprehend on suspicion on a reasonable charge of felony, it would be an absurdity if, upon finding the suspicion groundless, he was precluded from discharging the prisoner out of his custody. I think Clayton is entitled to an acquittal.

“With respect to Riding I take the law to be this—if a man direct a constable to act upon a suggestion of felony, he must prove the truth of such suggestion—in such a case he is the principal, and the constable is only his agent—it is a different thing when the individual who suspects a felony to have been committed goes before a magistrate to procure a warrant—he

*In McClough-
an v. Clayton
and Riding,
1 Holt, N.P.
C. 478.*

then takes an oath—he pledges himself to the truth of that oath—and the law proceeds upon it; and if his charge is false, he is liable to an action for a malicious accusation: but before a constable he only makes an assertion. With respect to the constable the law is clear—if a felony is committed in his presence he is bound to act—if a charge of felony be made with reasonable circumstances, it is his duty to act, and he is justified—but the person who puts the constable in motion must justify himself by proving the truth of the suggestions which he has made, and which induced the constable to act.”

The jury acquitted the constable, and gave one farthing damages against Riding.

In a note to this case Lord C. J. Mansfield said, in another case: “The fundamental distinction is, that if a felony has actually been committed, a private person may arrest as well as a peace officer; if not, the question always turns upon this, did the peace officer arrest *bonâ fide*?—was the act done fairly, and in the pursuit of an offender, or by design, or malice and ill-will?—many an innocent man has been, and may be, taken up upon suspicion; but the mischief and inconvenience to the public in this point of view are comparatively nothing, it is of great consequence to the police of the country.”

In *Davis v. Russell*, 5 Bing. 354, where a constable being told by A that the plaintiff had robbed her, and the information was countenanced by a supposed intercepted letter shown to the defendant—apprehended the plaintiff, a respectable person, at her lodgings, and took her from her bed at night to prison.

It was held, that although the charge was unfounded, the defendant was justified, and that he had not acted with too great severity in taking the plaintiff to prison that night, for he was not bound to watch the house till morning.

In this case one of the judges said: “A constable has always reason to apprehend an escape when he receives information of this nature; and if he did not act upon such supposition, there would be no safety for property in London.”

A felony had been committed in the house of a silk-weaver, in Spitalfields, by cutting away, and stealing a quantity of silk from the loom—on the following day, three boys, Ellison, Devine, and George, were taken on suspicion of their having committed the felony, by the defendant, Brand, who was a marshalman of London—one of the boys confessed his guilt, and said he had taken the silk to the house of the plaintiff, Isaacs, to whom he had disposed of it—on the same day, Brand went along with George to the plaintiff's house, and charged him with having bought some silk from the boys, who had stolen it—the plaintiff denied it; but afterwards said he had some silk, but he did not buy it. Brand went afterwards, the same day, to the house of the plaintiff with assistance, and, without a warrant, took him into custody, upon a charge of receiving the silk, knowing it to have been stolen. The next day the plaintiff and the boys were taken before the Lord Mayor, but no charge being made against the plaintiff he was discharged.

He then brought an action against the marshalman for this arrest.

Lord Ellenborough, C. J., said, "That the declaration of the boy, the principal felon, did not justify the officer in taking the plaintiff into custody, without a warrant, on the charge of receiving stolen goods, knowing them to be stolen; and without any evidence, except the assertion of the boy, to show that the plaintiff had bought the goods at an inferior price—and it was left to the jury to say, whether—since no charge had been made against the plaintiff on the following day—there was any probable ground for apprehending the plaintiff, and keeping him all night in the watch house.

The jury found damages against the marshalman of £5.

An action was brought against the Superintendent of Police for making an arrest of the plaintiff under the following circumstances :

In Hogg v. Ward, 3 Exch. N. S. 417.

The plaintiff was a pork butcher in a country town—he was at a fair in the town with his horse and cart—a travelling showman came to the plaintiff, and said to him in the

presence of the defendant, that the traces he had on his horse were his (the showman's), and had been stolen from him about a year before—the defendant said to the plaintiff, "This man has challenged these traces which are on your horse, how do you account for the possession of them?"—the plaintiff said he had bought them; he had given a shilling for them; but he did not know the man's name he had got them from—the showman said to the defendant, "These are my traces, and I insist on your taking him with the traces,"—the defendant then directed a constable to take the plaintiff into custody, who did so—the plaintiff walked with the constable by the side of his cart, and was taken to prison and tied up as a felon—the defendant had no hand in this last act.

On the trial the plaintiff said he had purchased the traces from a man unknown, who had picked them up on the road in his presence; he, the plaintiff, saying at the same time if any neighbour showed them to be his he should have them—the plaintiff admitted he had been convicted for using false weights.

The judge thought there was not reasonable cause for making the arrest, by the defendant, of the plaintiff; and the jury found for the plaintiff against the Superintendent of Police.

Martin, B., said: "To justify this kind of arrest there must exist a reasonable ground of suspicion; and, therefore, the officer must examine in each particular case whether there is such a ground—it would be an unfortunate state of things if a man were liable to be taken up on a charge made by a travelling showman who finds his traces on another's cart, when the man to whom the cart belongs, gives an apparently true account of how he came by them, and there is not a scintilla of evidence to show that the account is false—that was the present case, and yet the plaintiff was taken, imprisoned, and tied up. I therefore think the jury took a sensible view of the matter in deeming this charge not a reasonable one."

Bramwell, B., said: "No duty is imposed on the constable to inquire into the reasonableness of the charge: *it is enough*

that it be not unreasonable—the constable is only to take those whom he has good cause to suspect—if, indeed, a person whom there is no cause to suspect of untruth, came to a constable and say, "That man has committed felony—take him," that is a reasonable ground for the constable taking him: but if at the time there are other circumstances which show that the charge is an idle one, the constable ought not to do so; and the question before us comes to this, was the charge made against the plaintiff by the travelling showman not an unreasonable one?—so far from that, it was a charge of the most unreasonable nature ever heard of."

Watson, B., said: "Who is making the charge? A charge made by an idiot, or, as in *Isaacs v. Brand*, a charge made against a person who describes himself as the thief, against one whom he describes as the receiver, is not a reasonable one—the present case is one of the utmost importance, because the police throughout the country ought to be supported in the discharge of their duty; and it is necessary for the prevention of crime, that they should act by taking persons into custody against whom charges are made—but, on the other hand, they are not to act without a reasonable charge; and it is our duty to see that persons are not taken up on improper ones."

Thirdly—As to breaking open outer doors and windows.

It should be stated again, that an officer is in no case justified in breaking open outer doors, or the windows or other parts of a house, until he has declared his business, demanded admission, and allowed a reasonable time for opening them to elapse, and they have not been opened within that time.

Willcock, s. 186; Radcliffe v. Burton, 3 B. & P. 228; *Hutchison v. Birch*, 4 Taunt. 627; *Johnson v. Leigh*, 6 Taunt. 248.

As before stated, if an affrayer fly to a house, the constable may break open the house to take him.

So also if an affray is going on, the constable may break open the house to put a stop to it.

Willcock, s. 85, H. P. C. 136.

In case of a felony, or a suspicion of felony, he may break open the house to take the party—but no private person without a warrant can, on suspicion of felony, if none have been committed, break open the doors.

Willcock, s. 92, H. P. C. 93. Willcock, H. P. C. s. 93.

So if there be a noise, or disorderly conduct, or drinking in

Willcock, s.

87, 2 H. P. C. a house at an unreasonable time of the night, and particularly
95-97. in a tavern, he may break open the house to put a stop to it.

Willcock, So also to execute a *capias* from the Courts of Queen's
s. 187. Bench, Common Pleas, or other court or Justice having jurisdiction, to compel one to find sureties of the peace, or for good behaviour.

Willcock, Or a warrant to apprehend on a charge of felony.
s. 188.

Willcock, Or a *capias* founded on an indictment for any crime.
s. 189.

Willcock, Or in the day time a warrant to search for stolen goods, if
s. 190. accompanied with a direction to bring the party before a justice, on the charge or suspicion of felony.

Willcock, Or to enforce the law where a forcible entry or detainer is
s. 191. found by justices either on an inquest or their own view.

Willcock, Or a warrant of justices for levying a fine in execution of
s. 193. a judgment or conviction, grounded on a statute which gives
Burdett v. Abbott, 14 all or any part of the penalty to the Queen.
East. 157;
Lancrocks v. Brown, 2 B.
& A. 592.

Willcock, If an officer have entered the house in a legal manner, and
s. 197, 4 Bl. the outer door is fastened upon him, he and others in his aid
Com. 292. may break open the door to set himself at liberty.

The great and leading case on this point is *Semayne's case*, 5 Co. 91, contained at length and commented on in 1 Smith's Leading Cases. It was there resolved:

1. That the house of every one is to him as his castle and fortress, as well for his defence against injury and violence as for his repose—and if thieves come to a man's house to rob or murder him, that the owner or his servants may kill any of the offenders in defence of himself and his house.

2. When any house is recovered in an action, the sheriff may break the house, and deliver the possession to the party directed to receive it.

3. In all cases where the Queen is a party, the sheriff may break the party's house, either to arrest him, or to do other execution of the King's process: if otherwise, he cannot enter. For felony, or suspicion of felony, the King's officer may break the house to apprehend the felon.

4. In all cases when the outer door is open, the sheriff may enter the house and do execution at the suit of any subject,

either of the body or goods : and so may the lord in such case enter the house and distrain for rent, but not unless the door be open, nor even though he make a demand.

5. That the house of any one is not a castle or privilege but for himself, and shall not extend to protect any person who flies to the house of another, or the goods of any one which are brought and conveyed into the house of another to prevent a lawful execution, and to escape the ordinary process of the law ; for the privilege of his house extends only to him and his family, and to his own proper goods, or to those which are lawfully and without fraud there.

In executing civil process, the sheriff although he may break open the house of a third person to take the goods or body of a defendant, does so at his peril : if he find the goods or person, he will be justified ; but if he do not, he will be a trespasser. But he may enter the defendant's own house if he find the outer door open, and he will be justified whether he find the defendant or his goods there ; for the defendant's own house is the most natural place for the defendant and his goods to be. So he may also do so at any house where the defendant is lodging or staying.

If the sheriff legally obtain entrance to the defendant's house, he may break open any *inner* doors, if necessary, the same as he may cupboards, trunks, &c.

The maxim, that "every man's house is his castle," only applies to a *dwelling* house, and therefore a barn or out-house not connected with the dwelling house, may be broken open.

If the defendant, after being arrested, escape, the sheriff may break open either the defendant's house or that of a stranger, for the purpose of retaking him.

Where a felony has been committed, or a dangerous wound given, or even on process for breach of the peace, the party's own house is no sanctuary for him, doors may in either of these cases be forced. Foster on Homicide, 319, 320.

Fourthly—As to arresting on Telegrams.

Before dismissing this head of what may be done without a warrant, it will be well to add this fourth head, and see when arrests may safely be made on the authority of telegrams.

It is well known that arrests frequently are made upon communications received by telegraph. This is the practice in the Old Country, in the United States, in Australia, and probably in all other countries where a telegraph is established—indeed it has been said, that one of the great merits of the telegraph, is the aid which it affords to the police in the apprehension of offenders—the numerous cases—and cases of great consequence to which the telegraph has been the means of securing criminals, and of the discovery and restitution of stolen property, fully justify the use it has been put to—and it is to be presumed, that a constable acting either upon a letter received in the usual way, or upon a telegram, which he has no cause to suspect of being improperly sent or of being untrue, will be held to be authorized in acting as upon sufficient reasonable and probable cause—no doubt it will be safer for the officer if the telegram be signed by some one in authority, as the mayor, police magistrate, or an alderman or other justice of the peace of the place from which it is sent; but even then then the message may not have been sent by such person at all; for there is no handwriting, or any other means of identifying the message—it might be possible, however, to telegraph back to the person professing to send the communication, for the purpose of determining whether it really was or was not sent by the person supposed; and if the reply appeared to be satisfactory, the original message might then be acted on; and whenever there is time to pursue this course, it is the course which ought to be taken: but it cannot be adopted in all cases; for as urgency is necessary when crime is in question, and as the telegraph is resorted to only because urgency is necessary, the criminal may be beyond the reach of the Police while the correspondence is going on.

If no time is allowed for communicating, the telegram should be shown to some others in authority for their advice as to whether it will be proper to act upon it or not; and if they advise it, it is most likely the court or judge would hold that the constable in enforcing it had acted upon reasonable and probable cause.

Yet it is not said that even this is absolutely necessary,

although it is clearly prudent to do so, for the emergency may be so great, that no time is permitted even for this reference—but in such a case the constable must proceed most circumspectly for fear of the consequences; for let him consider what it is he is doing or about to do—he receives a telegram from some one he neither knows nor has heard of, to arrest some one as a criminal—the whole thing may be a malicious and unfounded charge on the part of the communicant—the party to be arrested may, most likely, be quite unknown to the constable, and be a most respectable person; and the telegram, if acted on, must condemn this man to the disgrace of an arrest, and the punishment of imprisonment, to answer some one upon some alleged charge—it is a serious and dangerous matter to arrest in such a case; yet how frequently has it not been done, and what immense service has it not been of?

While, therefore, it may not be wholly unjustifiable to arrest upon the telegram of some unknown person, it is clear that the constable may justly expose himself to very severe consequences, unless he act with great moderation and judgment. It may therefore be laid down:

1. That on the receipt of a telegram professing to be from some known responsible, respectable person, whether concerned in the administration of justice or not, but more particularly if he be, the constable may proceed to make the arrest.

2. On the receipt of a telegram from some unknown person, the constable should not arrest without advising with some one in authority as to how he should act—if he advise an arrest, the constable may then make it.

3. If he have no time to advise, he must proceed, as before stated, most warily.

4. In no case, however, should a telegram be acted upon if it be possible to test its genuineness by writing back by telegraph to the person professing to have sent it; and,

5. In no case should a telegram or letter from the United States, or from any country beyond this Province, be acted upon for an offence committed beyond the Province, because

the party complained of is not a criminal against our laws, until a proper information has been laid, and a warrant issued here for his apprehension, and then he may be proceeded against either under the Ashburton treaty or under the provisions of any of our own statutes which are herein referred to.

But unless the Courts decide, or until the Legislature has settled, these questions, it is difficult to lay down any more precise rules for the safety of the officer, and the enforcement of the law against criminals.

Let Lord C. J. Mansfield's words, however, be remembered on this subject, as stated in 1 Holts N. P. C. 478, in the note : " Many an innocent man has been, and may be, taken up on suspicion ; but the mischief and inconvenience to the public in this point of view are comparatively nothing : it is of great consequence to the police of the country."

IX. — DIFFERENCE BETWEEN ACTING UPON, AND ACTING WITHOUT A WARRANT.

It is important now to determine what the difference is between the acting under a warrant, and the acting without one.

It has been before stated, that no private person can, without a warrant (although a peace officer may) arrest even on a charge or suspicion of felony committed, without being compelled to prove, in the event of proceedings being taken against him for making such arrest, that a felony was in fact committed, and that he had reasonable and probable cause for believing that the party arrested was the felon. And it has also been said, that even in the case of a peace officer he cannot, (unless under the Municipal Law, which requires him to take security from the complainant) without a warrant, arrest for any offence less than a felony, unless it was committed in his view, or unless he have reason to apprehend a renewal of a breach of the peace. And, therefore, it is that warrants are taken out in almost all cases in the first instance ; for under a warrant every one is protected from liability of every kind, excepting for malicious conduct. The private person is not

then bound to show that a felony was committed: it rests upon the party arrested to show, that the one who made the complaint, and procured the warrant to be issued, acted maliciously and without any reasonable or probable cause for believing the facts to be true which were deposed to by him before the magistrate. The warrant, in fact, places the private person, acting under it in cases of felony, on the same footing as the peace officer, in such cases, acting without a warrant; and the peace officer, in cases less than felony when he is acting under a warrant, is completely justified, although no breach of the peace at all had taken place, if he had reasonable and probable cause for believing that it had. (See Broome's Commentaries, 729; *Storehouse v. Elliott*, 6 T. R., 315.)

X.—RESPECTING THE ISSUING AND EXECUTING THE WARRANT.

Some other general matters as to the Warrant should now be considered. Firstly—As to the officer or court which issues it: Secondly—As to the persons who may execute it: and, Thirdly—As to the place where it may be executed.

The necessity of knowing who should issue the warrant is apparent when it is considered that the warrant is only of validity,

1. When it is issued by one who holds such an office as confers upon him the authority to do so:
2. When such person has jurisdiction over the offence: and
3. When he has power to order it to be executed in the particular place.

First, then, as to the officer or court which issues it.

The rule of law is, that where the court or justice has *jurisdiction* over the offence, cause of action, or complaint, and proceeds *erroneously*, the officer who executed the warrant or process will be protected from the consequences of the arrest; but when the court or justice has no jurisdiction at all, the officer executing the process and all parties concerned in it are liable for the consequences.

The case of *Gossett v. Howard*, 10 Q. B. N. S. 359, con-

tains nearly all the learning on this point, and from it it appears that magistrates' warrants are construed much more strictly than is the process from the Superior Courts. The Superior Courts are presumed to have jurisdiction unless the contrary appear on the face of the process, while magistrates are not presumed to have jurisdiction at all unless their jurisdiction appear on the face of the warrant. (See also *Peacock v. Bell*, 1 Saund. 74)

Secondly—As to the person who should execute it.

The warrant should be executed by the person to whom it is directed, or by some one acting in his assistance, and to whom he is sufficiently near to be able to co-operate in the arrest.

Rex v.
Puttence, 7
C. & P. 775.

In one case where a constable had a warrant to arrest, and he gave it to his son to execute, and his son attempted to make the arrest, but at the distance of at least a quarter of a mile from his father, so that his father could not help him, it was held that the son was a wrong doer, and had no authority to act under the warrant ; and that the stabbing him by the party taken, in his defence, with a knife he had had in his hand before the arrest was made was not punishable, because the arrest was wholly illegal.

1 H.P.C. 357;
10 Q. B., N.S.,
437.

The party's name, of course, must not be inserted in the warrant after it has been signed and sealed by the magistrate for that will avoid it altogether.

Rex v. —
R. & R. C. C.
488.

A person who will not give his name may be described as "a person unknown, but who was personally brought before the jurors by the keeper of the prison ;" that is, he must be identified in some way if not by name. (See also *Rex v. Hood*, 1 Mood. C. C. 281.)

16 Vic. c. 178,
s. 3.

The warrant may be addressed in different ways. If it be directed to a constable or to any other person by name, the person so specially named may execute it in any place in or over which the magistrate issuing it has jurisdiction; or if it be addressed to every constable and peace officer of the locality over which the magistrate has jurisdiction—as if it be addressed to every constable and

peace officer in the united counties of York and Peel, or to every constable and peace officer in the city of Toronto—and in the united counties of York and Peel, and be issued by a magistrate who has jurisdiction over the whole of the united counties, it may be executed by any person who is a constable or peace officer in any part of the united counties. And as the mayor, aldermen, recorder, and police magistrate of cities, by statute are now *ex officio* justices of the peace, not only of the city, but of the whole county or union of counties in which the city is situate, their warrants, therefore, extend over the whole county or union of counties; and, therefore, if their warrants be directed to every constable or peace officer of the county or union of counties in which the city is situate, any constable or peace officer in any particular place in the county or union, although he is not an officer of the rest of the county, may execute it anywhere in the county; but if the warrant be directed by any justice of the city to all constables of the city, no one but a constable of the city can execute it, and he cannot go beyond the city to do so; care must, therefore, be taken to see that the warrant is sufficiently comprehensive with the act and duty which it is proposed to have performed under it.

*Hoye v.
Bush, 1 M. &
G. 775.*

Thirdly—As to the place where it may be executed.

This already sufficiently appears from what has just been said; it is only, therefore, necessary to add, that if it be desired to execute the warrant beyond the local jurisdiction of the magistrate who issued it, it must be endorsed, as herein after mentioned, by a magistrate of the locality where it is to be acted upon; if not so endorsed, any act done under it will be wholly void.

XI.—STATUTORY PROVISIONS WITH RESPECT TO THE WARRANT AND ITS EXECUTION.

The Warrant itself will now be considered: and on this point there is no difficulty, for it is expressly defined by statute.

I shall, however, first state a general rule with respect to every warrant, and it is this: that "Every officer, upon

demand made upon him, must show the warrant under which he arrests or distrains." (*Countess of Rutland's case*, 6 Co. 52; 1 H. P. C. 583.)

The statutes, then, enact as follows :

The 16 Vic., cap. 178, declares, section 3, that every warrant to apprehend a defendant to answer an information or complaint made before a justice,

1. Shall be under the hand and seal, or hands and seals, of the justice or justices issuing the same.

2. It may be directed to all or any of the constables or other peace officers of the territorial division "within which the same is to be executed."

3. Or to "such" constable, (*i. e.*, to one of the territorial division within which it is to be executed), "and" all other constables *within the territorial division within which the justice or justices issuing the warrant has or have jurisdiction.*

4. Or generally to *all* constables within such last mentioned territorial division.

5. It shall state shortly the matter of the information or complaint on which it is founded.

6. It shall name or otherwise describe the person against whom it has been issued.

7. It shall order the constable or other peace officer to whom it is directed to apprehend the defendant, and to bring him before one or more justice or justices of the peace, as the case may require, of the same territorial division, to answer the information or complaint, and to be further dealt with according to law.

8. It need not be made returnable at any particular time, but may remain in force until it is executed.

The form of warrant is given in the statutes at the end of this act, schedule C.

It will be seen by sec. 3, just referred to, and as afterwards mentioned, that if the warrant is addressed as in No. 2, "To all or any of the constables or other peace officers of the city of Toronto," (the territorial division within which the same is to be executed,) that the warrant cannot be executed beyond the city: but if it be addressed as in Nos. 3 and 4, above given,

it may be executed by any constable of the city, either in the city or in any part of the united counties of York and Peel; and one or the other of these directions should, therefore, in every case be adopted to enable the constable to arrest such vagrants as compose the Brooke's Bush gang, and such other characters and thieves as haunt the outskirts of the city.

As to the place where the warrant may be executed, the same section 3 provides :

1. The warrant may be executed by apprehending the defendant at any place within the territorial division within which the justices issuing the same have jurisdiction.

Or, in case of *fresh pursuit*, at any place in the next adjoining territorial division, within seven miles of the border of such first mentioned territorial division, without having the warrant backed by any justice.

3. And in all cases in which the warrant is directed "to all constables or peace officers *within the territorial division within which the justice or justices issuing the same shall have jurisdiction*, any constable or peace officer for any place within the limits of the justice who issued the warrant, in like manner as if the warrant were directed specially to the constable by name, and although the place in which it is executed is not within the place for which he is a constable or peace officer.

4. And if the person against whom the warrant issued be not found within the jurisdiction of the justice who issued it, or if he escape, go into, reside, or be, or be supposed or suspected to be in any place within this Province, whether in Upper or Lower Canada, out of the jurisdiction of the justice who issued it, any justice of the peace within whose jurisdiction such person is or is suspected to be, upon proof alone upon oath of the handwriting of the justice or justices who issued the warrant, may make an endorsement upon it, signed with his name authorizing the execution of the warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the warrant, and to all other persons to whom it was originally directed, and to all consta-

bles or other peace officers of the territorial division where the endorsement is made, to execute the same in any place within the jurisdiction of the justice of the peace endorsing the same, and to carry the offender, when apprehended, before the justice or justices who first issued the warrant, or some other justice having the same jurisdiction.

In cases of indictable offences, the 16 Vic. cap 179, ss. 6 and 7, makes exactly the same provisions with respect to warrants and their execution as cap. 178, just given.

The backing of the warrant should be in this form: (See cap. 178, schedule N 3; cap. 179, schedule K); and it is given here, because justices usually think they have backed it by simply signing their name upon the back of the warrant.

PROVINCE OF CANADA: [*County or United Counties, or as the case may be*] of —.

WHEREAS proof upon oath hath this day been made before me, one of her Majesty's justices of the peace, in and for the said [county or united counties, or as the case may be] of —, that the name of T. S. to the within warrant subscribed, is of the handwriting of the justice of the peace within mentioned: I do, therefore, hereby authorize W. T., who bringeth to me this warrant, and all other persons to whom this warrant was originally directed or by whom it may be lawfully executed, and also all constables and other peace officers of the said [county or united counties, or as the case may be] of —, to execute the same within the said last mentioned [county or united counties, or as the case may be].

Given under my hand this — day of —, in the year of our Lord —, at —, in the [county, &c.,] aforesaid.

J. L., *Justice of the Peace.*

XII.—STATUTORY PROVISIONS ON SERVING SUMMONSES, EXECUTING DISTRESS WARRANTS, AND IN CONVEYING A PRISONER FROM THE COUNTY WHERE THE OFFENCE WAS COMMITTED.

There are still some other enactments in these two statutes which ought to be generally stated for the information of the men.

First—As to the summons in case of summary proceedings.

By cap. 178, sec. 1, it is provided, that the constable or peace officer, or other person to whom the summons is delivered, shall serve it, either,

1. By delivering the same to the party personally ;
2. Or by leaving the same with some person (should be some grown person) for him at his last or most usual place of abode.

The constable or person making such service must then attend at the time and place, and before the justices in the summons mentioned, to depose, if necessary, to the service thereof.

Second—As to the distress warrant.

By section 18, in case a distress warrant issues to be levied on the goods and chattels of the defendant, and no sufficient distress is found within the limits of the justice granting the same, such distress warrant may be backed by a justice of another territorial division, in like manner as in cases of warrants to arrest ; and the distress may then be made in such other division. See form of endorsement, schedule N 3 of the act.

By section 20, in case the constable who had the execution of the distress warrant returns that he could find no goods, or not sufficient goods to levy the sum and costs, according to the form of return in schedule N 4 of the act, the justice may issue a warrant of commitment against the party.

Third—As to the summons in case of indictable offences.

By cap. 179, section 5, the summons in case of indictable offences shall be served by a constable or peace officer on the person to whom it is directed, either,

1. By delivering the same to the party personally ;
2. Or, if he cannot conveniently be met with, then by leaving the same for him with some person at his last or most usual place of abode.

And the constable shall attend, as before stated, at the time and place, and before the justice in the summons mentioned, to depose, if necessary, to the service of the same.

Fourth—As to conveying a prisoner to the place where the offence was committed.

By section 14, when a party has been arrested in one territorial division for an offence committed in another, and the

justice of the division remits the party to the division where the offence was committed, the constable who takes the party to such last named division, shall be entitled to his reasonable costs, charges and expenses of conveying the party into such other division, and of returning from the same,

1. Upon producing the party before the justice to whom the party is taken in the division where the offence was committed, and delivering him to such person as the justice directs (who, by the receipt in schedule T 2 of the act, would seem to be the gaoler).
2. Upon delivering to the justice the warrant of remitment; the information, depositions, and recognizances taken and proving by oath the handwriting of the justice or justices who subscribed such documents.
3. Upon getting from the justice to whom these documents are delivered, a receipt or certificate (according to the form in the statute, schedule R 2) of the delivery up of the accused party and of the documents aforesaid, and stating that the handwriting of the justice to such documents had been duly proved on oath.
4. And upon producing such receipt or certificate to the sheriff or high bailiff, if he were employed by such officer, and if not, then to the treasurer of the county in which the accused party was apprehended.

By section 18, the constable or other person to whom any warrant of commitment is directed, *under this or any other act*, shall convey the accused party to the gaol or other prison named in the warrant, and shall there deliver him, together with the warrant, to the gaoler, who shall thereupon give to the constable or other person so delivering the party, a receipt (according to schedule T 2) for the prisoner, setting forth the state and condition in which the prisoner was when he was delivered.

As this receipt is not merely to be taken in cases of commitment under this act, but in all cases of commitment under *this or any other act*, it will be well to give the form of receipt.

"I HEREBY CERTIFY that I have received from —, constable of the [county, &c.,] of —, the body of —, together with a

warrant under the hand and seal of —, Esquire, one of her Majesty's justices of the peace for the said [county or united counties, or as the case may be] of —; and that the said [prisoner] — was [sober, or as the case may be] at the time he was delivered into my custody."

— — —,
Keeper of the common Gaol of the [county, &c.]

Upon producing this receipt to any justice of the peace of the division where the offence was committed and the prisoner was delivered, he will certify to the treasurer the sum to be paid to the constable for arresting and conveying the party to gaol, and returning to his own residence. See the form in the schedule to the act immediately following the receipt above given. And upon producing this certificate to the treasurer, the constable will be paid his expenses.

XIII.—WHAT AN ARREST IS.

It will now be advisable to ascertain what an *arrest* is, that the officer may know when he may safely pursue beyond his own locality, or when he may break open doors to retake his prisoner. In the case of *Sandon v. Jarvis*, 4 Jur. N. S. 737, affirmed in Exch. Chamber, 5 Jur. N. S. 860, this is very well explained. The plaintiff was keeping house to avoid an execution—the sheriff's officer had been for some time watching him. The officer saw a casement in a room up-stairs open—he placed a ladder against the house, with the intention of getting in; but the plaintiff's daughter shut and fastened the window, the plaintiff himself standing at the window to hold the handle of the casement—the officer put his hand through a broken pane of glass, and touched the plaintiff, saying, "You are my prisoner,"—he then broke open the outer door, and arrested the plaintiff. Erle, J., said: "It is clear from all the authorities that the touch of the sheriff's officer constitutes an arrest, where it can be effected without fracturing any part of the building wherein the party resides—it is laid down in *Genner v. Sparkes*, 6 Mod. 173, that it is sufficient to constitute an arrest if the sheriff's officer *touch* the defendant even with the end of his finger."

The judges have made the *mere touch* of the officer an ar-

rest, where that can be effected without breaking into the house.

Hill, J., cited Bl. Com. 288, where it is laid down that "an arrest must be by corporal seizing or touching the defendant's body, after which the bailiff may justify breaking open the house in which he is, to take him."

But even an actual touching of the body is not always necessary, to constitute an arrest.

In *Russen v. Lucas*, 1 C. & P. 153, the officer said to the debtor, "Mr. Hamer, I want you." Hamer answered, "Wait for me outside the door, and I will come to you,"—the officer waited outside, but Hamer did not come—the question was, whether Hamer had been arrested and escaped. Abbott, C. J., said, "Mere words will not constitute an arrest, as, if the officer say 'I arrest you,' and the party runs away, it is no arrest; but if the party acquiesces in the arrest, and goes with the officer, it will be a good arrest—if Hamer had even gone into the passage to the officer, the arrest would have been complete."

So if a bailiff come into a room, and tell the debtor, who is there, that he arrests him, and locks the door, that is an arrest, without touching the body of the party, for he is then in custody of the officer. (*Williams v. Jones*, Ca. Temp. Hardwick, 301.) And if a constable tell a person given to his charge that he must go with him before a magistrate, and such person in consequence goes quietly and without force, it is an arrest and imprisonment. (*Chinn v. Morris*, 2 C. & P. 361; *Pocock v. Moore*, R. & M. 321; *Berry v. Adamson*, 6 B. & C. 528.)

It must always be borne in mind that the officer must take with him sufficient force to make the arrest effectual; that is to say, such a force as will enable him to overcome any resistance which he reasonably anticipates may be made. (*Howden v. Standish*, 6 C. B. 504.)

XIV.—AS TO CONSTABLES GETTING CONFESSIONS FROM PRISONERS.

It is often of consequence to know whether a constable should put any questions to a prisoner as to the charge against

him, and, if so, what questions he may put; and whether he ought or ought not to caution the prisoner against saying anything which may criminate him; or how otherwise he should act.

The general rule is, that a confession must be voluntarily made by the prisoner, and must not be obtained from him by the influence of hope or fear. In the event of the confession being procured by promises or threats, it will be for the judge to determine whether the confession can be used against the prisoner or not, for the degree of hope or fear which might operate upon one person might be utterly ineffectual upon another. The law, however, is very clear, that if any inducement to confess is held out by any one having authority over the prisoner or the prosecution—as the prosecutor himself, the master or mistress of the prisoner, the *constable* or other person having him in charge, or a magistrate, or the like—the confession will be rejected. It will be the same also although the constable or other person did not use such means himself, but, being present, allowed another to draw the confession from the prisoner by such inducements. (*Reg. v. Laughler*, 1 Tayl. Ev. 588. 2 C. & K. 225.)

The inducement held out, to exclude a confession, must be one which has reference “to the escape of the prisoner from the criminal charge against him;” for a mere promise to strike off his handcuffs, or to give the prisoner some spirituous liquor, or to let him see his wife, will not be such an inducement as to exclude the confession made in consequence of it.

It is said that the police should not endeavour to obtain a character for activity and zeal, by harrassing and oppressing unfortunate prisoners, with the view of wringing from them a reluctant confession. On the other hand, the constable should not tell the prisoner not to say anything at all.

The proper course for the constable is, to caution the prisoner that any confession he makes will be admissible against him on his trial, but can be of no service to him; and it is not necessary or proper that the constable should do or say more than this. He should certainly not dissuade the prisoner, who wishes to confess, not to do so; for after telling

the prisoner he need not say anything, and cautioning him as above stated, the prisoner should be left to act and judge for himself.

In *Reg. v. Walker*, 8 C. & P. 621, Lord Denman said: "A prisoner is not to be entrapped into making any statement; but when a prisoner is willing to make a statement, it is the duty of the magistrate to receive it,"—and of course of the constable to hear it.

In another case (*Reg. v. Cart*, Maidstone Sum. Ass., 1 Taylor on Ev. 595, note z), the same judge said to some constables who were called as witnesses: "The distinction is very clear; you are not to suppress the truth, but you are not to take any measures of your own to endeavour to extort it." And it may be added, that an admission of guilt made by a prisoner, even when drunk, may be used against him. (*Rex v. Spilsbury and others*, 7 C. & P. 187.)

XV.—PROTECTION TO CONSTABLES.

As the duties of the constable are of that nature, that when he acts he must do so promptly and vigorously, with little or no time for much reflection, and none in many cases for getting advice; and as he cannot be expected to know all the law of arrests, and other difficult matters pertaining to his office, it is but right that he should be protected against whatever vexatious proceedings may be taken against him, to the utmost extent of what is reasonable; for it is much better the peace officer should be protected, who is acting *bona fide* for the benefit of the public, from the consequences of an occasional and unwitting wrong, and certainly that he should not be amenable for the wrong of another, than that he should be deterred from arresting the criminals and offenders against the peace of society. It is for this purpose that statutes have been passed.

The Imperial statute, 24 Geo. II. c.44, s.6, in effect provides, that no action shall be brought against a constable or other officer, or any one aiding him, for anything done in obedience to any warrant under the hand or seal of a justice, until

(1) demand in writing of the perusal and copy of such warrant has been made or left at his usual place of abode by the party intending to bring the action, or by his attorney or agent, signed by the party demanding the same (2), and the same has been refused or neglected for six days after such demand. In *Jones v. Vaughan*, 5 East 445, it was decided that no action can be brought against the constable for six days after demand; but if the constable, even after the six days, give the perusal and copy, he cannot be sued, if no action has been brought against him in the meantime. And in case, after such demand and compliance therewith by showing the warrant to and permitting a copy to be taken of it by the party demanding it, any action is brought against the constable or other officer, or any one acting for him, for any such cause as aforesaid, whether such action be brought alone against the constable, officer, or person aiding him, or jointly against him and the justice, then, *on producing or proving the warrant at the trial of such action*, the jury shall give their verdict for the constable, officer, or person aiding him, so sued, notwithstanding any defect of jurisdiction in the justice. The object of this provision was to relieve the constable altogether from responsibility, when he has a warrant, and acts in obedience to it, and shows it, and gives a copy of it when demanded, and to put the magistrate in his place. (*Jones v. Vaughan*, 5 East. 448.) Before this, the constable was liable to be sued without any protection for executing the warrant, and to be indicted (which he still is) if he did not. If, therefore, the constable

1. Have no warrant, (*Postlethwaite v. Gibson*, 3 Esp. 26);
2. Or if he do not act in obedience to it, (*Bell v. Oakley*, 2 M. & Sel. 259; *Crozier v. Cundy*, 6 B. & C. 232);
- 3 Or if he refuse or neglect to show it, and to furnish a copy of it when demanded, (5 East. 445);
4. Or even if he give such perusal and copy, but there is no remedy against the magistrate, the constable will himself be liable.

The following cases explain these statements:

In *Sly v. Stevenson*, 2 C. & P. 464, where the constable,

in the absence of the magistrate, got from the clerk a former warrant, which had been directed to a messenger in bankruptcy, and which had been returned as executed, and struck out the name of the messenger and inserted his own, it was held that the magistrate was not liable, and therefore there was no occasion to make a demand upon the constable for a perusal and copy of the warrant.

In *Crozier v. Cundy*, 6 B. & C. 232, where a constable had a warrant to seize one hundred weight of cotton copps, and besides this he took away a tin pan and sieve, which were not necessary to be taken, for the purpose of furnishing evidence as to the cotton copps, it was held that he had no power to do this, as these articles were not within the warrant, and therefore no demand of the perusal or copy of the warrant was necessary; for in this case it is clear the magistrate could not in any way be liable for the wilfully wrongful act of the constable.

In *Atkins v. Kilby*, 11 A. & E. 777, where a constable, on a demand being made upon him for a perusal and copy of the warrant, said the original was with the gaoler, and he gave sight of the copy of it, which the party demanding it took, saying he knew the gaoler had the original, and made no objection to the copy; held, that he had waived all objection to not being shown the original. An objection was also taken that the justice who had booked the warrant should have stated in his endorsement that the handwriting of the justice who had issued it had been proved to him on oath, and 3 Tyr. 824 was referred to, but this point was not much discussed. The court thought it must be presumed that every thing had been rightly done.

In *Hoye v. Bush*, 1 M. & G. 775.—A warrant against *John Hoye* will not justify the arrest of *Richard Hoye*, although *Richard* was the party intended; and as the magistrate could not be answerable in this case for the taking of the wrong person, there was no occasion for demanding perusal and copy of the warrant.

In *Stenck v. Clarke*, 4 B. & Ad. 113, the overseers of a parish, under a justice's warrant, for non-payment of £141 for

poor-rates, seized an unreasonable and excessive quantity of goods, worth £600; held, that as the magistrate could not have been responsible for such act of the overseers, there was no occasion to demand perusal and copy of the warrant. Parke, J., says, "The object of the statute in making a demand of the warrant necessary, is that the justice may be joined as a defendant; but this is an action for seizing goods more than reasonably sufficient for the exigency of the warrant, an excess for which the justices could not possibly have been made joint defendants."

In *Smith v. Wiltshire*, 2 B. & B. 615.—Warrant to search for black cloth which had been stolen—the constable found no black cloth, but took cloth of other colours, refusing to say whether they had a warrant or not. Held, they must be sued within six months, and could not be sued later.—*Query*, see 6 B. & C. 232, Sup.

In *Cotton v. Kadwell*, 2 N. & M. 399.—Where the constable had a warrant for £1 4s. 6d., which, before seizure, was tendered to him; but he refused to take it, unless his fees were also paid—he had no fees, nor was there anything about fees in the warrant—he distrained for his fees. Held, that as the magistrate could not be liable for this act of the constable, no demand of perusal and copy of the warrant was necessary.

The action against the constable must be brought in six months after the act committed; and even in a case where the constable has no authority to act, as where the warrant was directed "To the constable of D." (a parish in the county of W.), but was delivered to and executed by a county constable of W., it was held that although none but a constable of D. could execute it, yet the county constable was entitled to the protection of the statute, which required all actions to be brought in six months' time; and as this had not been done, he was entitled to succeed. (*Freegard v. Barnes*, 7 Exch. 827.)

In *Hardy v. Ryle*.—The last day of imprisonment was the 14th December. This action was commenced on the 14th June—the question was, whether, in reckoning the six

months, the action was brought in time or not—if the 14th December were to be computed, the action was one day after the six months; but if the 14th December was not to be computed, the action was brought in time. Held, the action was in time, for the 14th December was not to be computed.

XVI.—GENERAL STATUTORY ENACTMENTS.

In addition to the statutes before given, the following may also be of service to refer to :

Bailiffs of division courts to exercise the authority of a *constable* during the actual holding of the court of which they are bailiffs, with full power to prevent breaches of the peace, riots, or disturbances within the court room or building in which the court is held, or in the public streets, squares, or other places within the hearing of the court; and may, with or without warrant, arrest all parties offending against the meaning of this clause, and forthwith bring the offender before the nearest justice of the peace, or other judicial officer having power to investigate the matter. (13 & 14 Vic. c. 53, s. 13.)

Attachments against absconding debtors from the division court may be addressed to, and executed by, the bailiff of the court, or by any constable of the county, and he shall proceed in the manner pointed out by the statute. (13 & 14 Vic. cap. 53 sec. 64.)

Constable shall not be a juror.

No constable, &c., directly or indirectly, shall purchase any goods exposed by him for sale under any execution. (2 Geo. IV. cap. 1 sec. 21; 51 Geo. III. cap. 6 sec. 3.)

Every peace officer of the county is bound to carry into effect the warrants and other process issued by the Commissioners appointed to manage the Indian lands. (2 Vic. cap. 15 sec. 9; 13 & 14 Vic. cap. 74 sec. 14.)

If any person against whom a warrant is issued by the Chief Justice of the Queen's Bench, or by any other magistrate having competent authority, in any of her Majesty's provinces or governments in North America, for any felony or other crime of a high nature, escape into or is found in any part of

Upper Canada, any justice of the peace of the county, city, or place where such person is supposed to be, may, upon due proof being made of the handwriting of the magistrate who issued the warrant, endorse his the said justice's *name* thereon; and such warrant so endorsed shall be a sufficient authority to all persons to whom the warrant was originally directed, and also to *all constables* of the county, city, or place where the warrant has been endorsed, to execute the same by apprehending the person against whom the warrant is granted, and to convey him into the province from which the warrant originally issued to be dealt with according to law. (37 Geo. III. cap. 15 sec. 1.)

In case murder, forgery, larceny, or other crime punishable by the laws of Upper Canada with death, or confinement at hard labour, be charged to have been committed within the jurisdiction of a foreign country by a person who has fled to, or sought refuge in, Upper Canada; and in case a requisition for the surrender of such person be made by the government of such country, or by its ministers or officers authorized to make the same, then upon such evidence of criminality as would warrant his apprehension and commitment for trial, had the offence been committed in Upper Canada, the Governor *may in his discretion*, by and with the advice of the Executive Council, deliver such person up to justice, and direct his transmission to the custody of such foreign government. (3 Wm. IV. cap. 6, secs. 1, 2, 3.)

For preventing the escape of any person so charged, before an order for his transmission can be obtained from the Governor, any judge or justice of the peace in Upper Canada, acting within his jurisdiction, upon such evidence or oath as satisfies him that the person accused stands charged with some crime of the description hereinbefore specified, or that there is good ground to suspect him to have been guilty thereof, may issue his warrant for the apprehension and commitment of such person, in order that he may be detained in secure custody until application can be made to the Governor for his surrender, and until an order can be made thereon. (3 Wm. IV. cap. 6, secs. 1, 2, 3.)

Before application is made to the Governor for the surrender of any such party charged, a judge, &c., on being satisfied of or suspecting the guilt of the party, may issue a warrant for his arrest.

In case of riots, constables may arrest parties who do not disperse after proclamation

In case of any unlawful, riotous, or tumultuous assembly twelve or more persons shall continue together thereat, and not disperse within one hour after proclamation has been made to depart, every constable, &c., &c., &c., shall seize the persons so unlawfully continuing together, and carry them before one or more justices of the peace of the place where they were so taken, to be proceeded against according to law. (3 Wm. IV. cap. 3, sec. 13.)

Constables, &c., indemnified for any injury they may do, if resisted.

If in dispersing any of the persons so unlawfully assembled any of such persons happen to be killed, maimed, or hurt, by reason of their resistance, every constable, &c., &c., &c., and all persons aiding him shall be free, discharged, and indemnified, as well against the Queen as against all other persons of or concerning the killing, maiming, or hurting of any such persons so unlawfully assembled. (3 Wm. IV. cap. 3, sec. 13.)

Constables, &c., may arrest persons illegally training.

Constables, &c., may disperse, arrest and detain all persons who meet without lawful authority for the purpose of training or drilling, or of being trained or drilled to the use of arms, or in the practice of military exercise. (1 Vic. cap. 11, sec. 2.)

Justices of any county may, under this statute, act in every other county in U. Canada.

All justices of the peace for any county in Upper Canada shall have concurrent jurisdiction as justices of the peace with the justices of the peace of any other county in all cases as to carrying into execution the provisions of this act, and as to all matters and things relating to the preservation of the public peace, as fully and effectually as if each of such justices were in the commission of the peace for each of such counties. (1 Vic. cap. 11, sec. 7.)

Fees of constables.

The table of fees for services rendered in the administration of justice, and for other county purposes, by sheriffs, &c., &c., constables, &c., heretofore framed by the justices of the peace of their respective counties, and confirmed by the judges of the Queen's Bench, shall continue till otherwise appointed. (8 Vic. cap. 38, sec. 1.)

Fees may be levied beyond the amount of the fine, &c.

All per centage, fees, or allowances on levying fines or recognizances, may be levied over and above the amount of such fines and recognizances. (8 Vic. cap. 38, sec. 2.)

Services for private indi-

All fees on services in the nature of a civil remedy for indi-

viduals at whose instance, and for whose private benefit the same are performed, shall be paid by such individuals. viduals to be paid for by them.

The judges shall, in tables to be framed by them for such purpose, distinguish the fees to be paid by private individuals, and, except as herein otherwise provided, all other fees shall be paid out of the county funds. (*Ibid.*) The table of fees shall distinguish between public and private services.

Nothing shall deprive any of such officers of such fees as are allowed by any act of Parliament for other services not herein provided for. (*Ibid.*, sec. 3.) Such allowance not to interfere with any fees other officer may be entitled to

Any officer wilfully demanding or receiving any other or greater fee or allowance, shall, for every such offence, forfeit and pay the sum of ten pounds to any person who sues therefor. (*Ibid.*, sec. 4.) Punishment for extortion.

The fees of justices of the peace, and of their clerks, are settled by the 14 & 15 Vic. cap. 119, secs. 2, 3. Justices' fees.

The several heads of expense in the administration of criminal justice are provided for by the statute noted at the end of this clause; and as respects constables they are as follows. The sums are those allowed by the judges in November, 1845, (9th Victoria), distinguishing those payable by private parties from those payable by the public. Table of constable's fees.

	PAYABLE BY PUBLIC.	PAYABLE BY PRIVATE PARTY.
	s. d.	s. d.
1. Arrest of each individual upon a warrant. If payable by the Crown, and to be paid by the Crown or by the party, as the case may be...	5 0	5 0
2. Serving summons or subpoena.....	1 3	1 3
3. Milage, per mile	0 6	0 6
4. Attending Assizes or Sessions	5 0	0 0
5. Attending any justice on the examination of prisoners charged with any crime, per day...	5 0	0 0
6. Milage in going to serve summons or warrant when the service has not been effected, the justices in Sessions being satisfied that due diligence was used, per mile	0 6	0 6
7. Taking prisoners to jail, exclusive of disbursements necessarily expended in their conveyance, per mile	0 4	0 0

	PAYABLE BY PUBLIC.	PAYABLE BY PRIVATE PARTY.
	<i>s. d.</i>	<i>s. d.</i>
8. Summoning jury for inquest.....	10 0	0 0
9. Attending inquest each day, other than the first	5 0	0 0
10. Serving notice of appointment of constables, when personally served. 9 Vic. cap. 58 sec. 3	2 6	0 0
In levying distresses for any rent or penalty not exceeding £20, not more than the following fees shall be taken :		
11. Levying distress	5 0	5 0
12. Man keeping possession, per day	8 9	3 9
13. Appraisement, whether by one appraiser or more, in the pound on the value of the goods	0 4	0 4
14. If any printed advertisement, not to exceed..	5 0	5 0
15. Catalogues, sale and commission, and deli- very of goods in the pound on the net pro- duce of the sale. 1 Vic. cap. 16 sec. 1	1 0	1 0

Copy of demand, and of charges, to be given on distress made. Every person who makes a distress shall give a copy of demand, and of all the costs and charges of the distress, signed by him, to the person on whose goods the distress is levied, although the amount of the rent or penalty exceeds £20. (8 Vic. cap 38, sec. 6.)

Punishment for misconduct of officer. If any person offend against this act, he is liable to pay treble the amount of the money unlawfully taken, and full costs to be paid to the party aggrieved. (*Ibid*, sec. 2.)

Constables may be appointed in unorganized tracts. Stipendiary magistrates in unorganized tracts of country may appoint constables for the same. (20 Vic. cap. 60, sec. 6.)

And also in provisional and judicial districts. Constables may be appointed for provisional judicial districts. (16 Vic. cap. 176, sec. 5.)

Constables may be appointed at elections. The Returning or Deputy Returning Officer may call in the assistance of *all* constables, &c., to aid him in keeping the peace at elections, and he may swear in special constables for that purpose. (12 Vic. cap. 27, sec. 50.)

When constables may seize guns, &c., at public works. Constables may, under the statutes providing with respect to riots near public works, after the Governor has issued a proclamation that a certain specified locality shall be under the

enactments of such statutes, and under a warrant to him for that purpose, search for and seize any gun or other instrument specified in the statutes mentioned at the end of this note, which he may find in the possession of any one, or in any house or place; and in case admission cannot be obtained to such house or place, the constable may, after demand, enter the same by force, by day or night, and seize such weapons. (8 Vic. cap. 6, secs. 2 & 7; 14 & 15 Vic. cap. 76.)

The constable, &c., may also, without warrant, arrest and detain any person employed on any such public work, who is found carrying any such weapon, if in his judgment it affords a just cause of suspicion that the weapons are carried for a purpose dangerous to the public peace. (*Ibid*, sec. 8.)

Constables may arrest persons carrying weapons at public works.

The Governor, under the statute, may establish a mounted police force, to preserve the peace of such particular locality or localities; and such persons shall, during the time they are employed, be constables (for the purpose for which they are enrolled) for the county. (*Ibid*, secs. 13, 14, 15.)

Mounted police may be provided for such localities.

Constables, though they may be enrolled for the militia, are exempt from attending muster, and from actual service, except in case of war, invasion, or insurrection. (18 Vic. c. 77, s. 7.)

Constables exempt from militia service, except in war, &c.

The person presiding at a public meeting called under the statute below mentioned, respecting the calling and orderly holding of public meetings, may command the assistance of all constables, &c., to aid him in keeping the peace at such meeting. (7 Vic. cap. 7, sec. 12.)

The chairman at a statutory public meeting may call in the aid of constables.

Special constables may be sworn in by a justice at such meeting, on the request of the person presiding. (*Ibid*, s. 13.)

Justices at such meeting may appoint special constables.

Any one, between the ages of eighteen to sixty, refusing to be sworn in, unless for a sufficient cause, to be allowed by the justice, shall be guilty of a misdemeanor. (*Ibid*, sec. 14.)

Punishment for refusing to be sworn in.

All persons guilty of murder, or assault with intent to commit murder, piracy, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of the United States, and who are found in this Province, may, on complaint before a justice of the peace, be taken under warrant, and may, if the charge be sustained according to the laws of this

Persons committing certain crimes in the United States may be taken here under the warrant of a magistrate of this Province

Province, be delivered up by the Governor, upon a requisition by the United States authorities. (12 Vic. cap. 19, sec. 1.)

Punishment
for shooting,
&c., to pre-
vent arrest.

Any person who unlawfully and maliciously shoots at any person, or by drawing a trigger or in any other manner attempts to discharge any kind of loaded arms at any person, or stabs, wounds or cuts any person, with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony. (4 & 5 Vic. cap. 27, sec. 11.)

Persons com-
mitting an
indictable of-
fence in the
night may be
arrested
without war-
rant.

Any person may apprehend another found committing an indictable offence in the night, and convey or deliver him to some constable or other person, in order to his being taken, as soon as conveniently may be, before a justice of the peace, to be dealt with according to law. (18 Vic. c. 92, s. 40.)

Punishment
of persons
taken in the
night on in-
dictable of-
fence, for as-
saulting the
person tak-
ing them.

If any person found committing an indictable offence in the night, and, apprehended thereon, assault or offer violence to any person by law authorized to apprehend or detain him, or to any person aiding such officer, the offender shall be guilty of a misdemeanor. (*Ibid*, sec. 41.)

Punishment
of constables
refusing to
act under
statute relat-
ing to cruel-
ty to animals

If any constable refuse to serve or execute any summons or warrant, under the act respecting cruelty to animals, he shall be liable to a penalty not exceeding £5, or, in default of payment, to not more than one month's imprisonment. (20 Vic. cap. 31, sec. 11.)

Persons
found com-
mitting an
offence may
be arrested
without war-
rant.

Any person found committing an offence punishable on indictment or on summary conviction, may be apprehended by any peace officer without a warrant, or by the owner of the property on or with respect to which the offence is being committed, or by his servant, or by any other person authorized by the owner, and he shall be forthwith taken before some neighbouring justice, to be dealt with according to law. (4 & 5 Vic. cap. 25, secs. 25-55; 4 & 5 Vic. cap. 26, sec. 28.)

Persons offer-
ing to sell,
&c., stolen
property sus-
pected to be
stolen, may
be arrested
without war-
rant.

If any person to whom any property is offered to be sold, pawned or delivered, has reasonable cause to suspect that any offence, punishable summarily or by indictment, has been committed on or with respect to such property, he may and, if in his power, shall apprehend and forthwith carry the person offering the same, together with the property, before a justice

of the peace, to be dealt with according to law. (4 & 5 Vic. cap. 25, sec. 55.)

Any constable or peace officer may, without warrant, take into custody any person whom he finds lying or loitering in any highway, yard or other place, during the night, and whom he has good cause to suspect of having committed or being about to commit any felony, and may detain such person until he can be brought before a justice of the peace, to be dealt with according to law. (10 & 11 Vic. cap. 4, sec. 14.)

Persons found loitering, &c., in any place in the night, suspected of felony, may be arrested without warrant.

No such person shall be detained after noon of the following day, without being brought before a justice of the peace. (10 & 11 Vic. cap. 4, sec. 15.)

To be brought before justice next day.

In case it is made to appear to any two or more justices of the peace of any territorial division, on the oath of a credible witness, that any tumult, riot or felony has taken place, or is continuing, or may be reasonably apprehended, within the limits of such justices, and in case the justices are of opinion that the ordinary officers appointed for preserving the peace are not sufficient, such two or more justices may appoint by precept in writing under their hands so many persons not legally exempt from serving the office of constable, residing in such place or in the neighbourhood thereof, to act as special constables, and the following oath shall be administered to them:

In case of tumult, &c., actual or apprehended, two justices may appoint special constables.

"I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of special constable for the _____ of _____, without favour or affection, malice or ill-will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of her Majesty's subjects; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: So help me God."

Special constable's oath.

Notice of the appointment of such special constables, and of the circumstances which rendered it expedient to appoint them, shall be forthwith transmitted by such justices to the Secretary of the Province. (10 & 11 Vic. cap. 12, sec. 1.)

Notice of appointment to be sent to Prov. Secy.

The justices of the peace, or any two of them, who appoint any special constables under this act, or the justices acting for

Justices may make regulations for

special constables.

the limit within which such constables have been called out, shall, at a special session of such last-mentioned justices, or of the major part of them, make such orders and regulations from time to time as may be necessary for rendering such constables more efficient for the preservation of the public peace, and they may also remove any such special constable from his office for misconduct or neglect of duty. (*Ibid*, sec. 2.)

Powers of such special constables.

Every such special constable shall have, exercise and enjoy all the powers, authorities, advantages and immunities, and be liable to all the duties and responsibilities, which any constable duly appointed has by virtue of any law whatever, not only within the territorial division or place for which he has been appointed, but also throughout the entire jurisdiction of the justices so appointing him. (*Ibid*, sec. 3.)

Such special constables may act in adjoining districts in certain cases.

When any such special constables are serving within any territorial division or place, and two or more justices of the peace of any adjoining district or place, shall make it appear to the satisfaction of any two or more justices of the peace acting for the limits within which such special constables are serving, that any extraordinary circumstances exist which render it expedient that such constables should act in such adjoining territorial division or place, then the said last mentioned justices may, if they think fit, order all or any of the said constables to act in such adjoining territorial division or place in such manner as to the last mentioned justices may seem meet. Every such constable shall, during the time he so acts in such adjoining territorial division or place, have, exercise and enjoy all the powers, authorities, advantages and immunities, and be liable to all the duties and responsibilities, as if he were acting within the territorial division or place for which he was originally appointed. (*Ibid*, sec. 4.)

Penalty on constables refusing to take oath.

If any person appointed to be a special constable as aforesaid, refuse to take the oath aforesaid when thereunto required by the justices so appointing him, or by any two of them, or by any other two justices of the peace acting for the same limits, he shall be liable to be convicted thereof forthwith before the said justices so requiring him, and to forfeit and

pay such sum of money, not exceeding £5, as to the justices so requiring him shall seem meet. (*Ibid*, sec. 5.)

If any person appointed to be a special constable neglects or refuses to appear at the time and place for which he is summoned for the purpose of taking the said oath, or, upon being called on to serve, he shall neglect or refuse to serve as such special constable, or to obey such lawful orders or directions as may be given to him for the performance of the duties of his office, he shall, in any of such cases, on conviction thereof before any two justices of the peace, forfeit and pay for every such neglect or refusal such sum of money, not exceeding £5, as to the said justices shall seem meet, unless he shall prove to the satisfaction of the said justices that he was prevented by sickness or such other unavoidable accident as shall in the judgment of the said justices be a sufficient excuse. (*Ibid*, secs. 5, 6.)

Penalty on constables refusing to appear to take oath, or to serve, &c.

The justices who have appointed any such special constables, or the justices acting for the limits within which such special constables have been called out, may, at a special session, held for that purpose, of such last mentioned justices, or the major part of them, suspend or determine the service of all or any of the special constables so called out, as to the said justices respectively shall seem meet; and notice of such suspension or determination of the services of all or any of the said special constables shall be forthwith transmitted by such respective justices to the Secretary of the Province. (*Ibid*, sec. 7.)

Justices may suspend or determine the service of special constables.

Every such special constable shall, within one week after the expiration of his office, or after he has ceased to hold or exercise the same, deliver over to his successor (if any such has been appointed, or otherwise to such person and at such time and place as may be directed by any justice of the peace acting for the limits within which such special constable has been called out) every staff, weapon and other article which shall have been provided for such special constable; and if any such constable shall omit or refuse so to do, he shall, on conviction thereof before two justices of the peace, forfeit and pay for such offence such sum of money, not exceeding £2, as to the convicting justices shall seem meet. (*Ibid*, sec. 8.)

Constable to deliver up staffs, &c., when discharged.

Punishment
of persons as-
saulting, &c.,
special con-
stables.

If any person assaults or resists any such constable while in the execution of his office, or promotes or encourages any other persons so to do, every such person shall, on conviction thereof before two justices of the peace, forfeit and pay for such offence any sum not exceeding £10, or be liable to such other punishment upon conviction on any indictment or information for such offence, as any such persons are by law liable to for assaulting any constable in the execution of the duties of his office. (*Ibid*, sec. 9.)

Special con-
stables may
be allowed a
certain sum
per diem for
their services

The justices of the peace acting for the limits within which such special constables have been called out to serve, at a special session to be held for that purpose, or the major part of the justices at such session, are hereby empowered to order from time to time such reasonable allowances for the trouble, loss of time, and expenses of such special constables (not, however, to exceed 5s. *per diem*), to be paid to such of them as shall have served or be then serving, as to such justices or the major part of them shall seem proper. (*Ibid*, sec. 10.)

To be paid
by the trea-
surer of the
municipality

The justices so ordering shall make every order for the payment of such allowances and expenses upon the treasurer of the territorial or other municipal division within which such special constables shall have been called out to serve, and the treasurer shall pay the same out of any monies in his hands at the time, and he shall be allowed the same in his accounts, and the sum shall be provided for by the Council of the territorial division or other municipality wherein the expense arises. (*Ibid*, sec. 10.)

Special ses-
sions may be
adjourned.

The justices of the peace assembled at any special session for any of the said purposes, may adjourn the same from time to time, as they think proper; and every special session actually holden for any of the said purposes, shall be deemed to have been legally holden until the contrary is proved. (*Ibid*, sec. 11.)

Limitation of
prosecutions
under this
Act.

The prosecution for every offence punishable upon summary conviction by virtue of this act, shall be commenced within two calendar months after the commission of the offence. (*Ibid*, sec. 12.)

Application
of penalties.

Every penalty or forfeiture for any offence against this act

shall be paid to the treasurer of the territorial or other municipal division within which the offence was committed. (*Ibid*, sec. 12.)

No inhabitant of such territorial or other municipal division shall, by reason of the payment of such forfeiture or penalty to such treasurer, be deemed an incompetent witness in proof of any offence against this act. (*Ibid*, sec. 12.)

The justices of the peace by whom any person is summarily convicted and adjudged to pay any sum of money for any offence against this act, may adjudge such person to pay the same either immediately or within such period as the justice thinks fit. In case the same is not paid at the time appointed, it shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charge of the distress; and for want of sufficient distress, the offender shall be imprisoned in the common gaol for any term not exceeding one calendar month when the fine to be paid does not exceed £5, and for any term not exceeding two calendar months in any other case. The imprisonment in every case to cease upon payment of the sum due. (*Ibid*, sec. 13.)

The justices of the peace before whom any person is summarily convicted of any offence against this act, may cause the conviction to be drawn up in the following form of words, or to the like effect, that is to say:

“_____ } “Be it remembered, that on the _____ day of _____,
To Wit: } in the year of our Lord _____, in the _____ of _____, in
the county of _____, J. N. is convicted before us A. B. and C. D.,
two of her Majesty’s justices of the peace for the said county of
_____; for that he the said J. N. did (*here specify the offence, and
the time and place when and where the same was committed, as the
case may be*), and we do adjudge that the said J. N. shall for the
said offence forfeit the sum of _____, and shall pay the same immediately (*or shall pay the same on or before the _____ day of _____*) to the treasurer of the _____.

“Given under our hands the day and year first above mentioned.

“A. B.
“C. D.”

(*Ibid*, sec. 14.)

No conviction for any offence against this act shall be quashed for want of form, or be removed by *certiorari* or

Inhabitants of municipalities to be competent witnesses.

How penalties may be levied if not paid within the time to be appointed.

Imprisonment in default of payment.

A form of conviction appointed.

The form.

Convictions not to be removed or

declared void for want of form. Nor any warrant of commitment. otherwise into any of her Majesty's superior courts of record. (*Ibid*, sec. 15.)

No warrant of commitment shall be held void by reason of any defect therein, provided it is alleged therein that it is founded on a conviction, and there is a good and valid conviction to sustain the same. (*Ibid*, sec. 15.)

Similar provisions as to distress, and proceedings under it. When any distress is made for levying any monies by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same, be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant, distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but the person aggrieved by such irregularity may secure full satisfaction for the special damage, if any, in an action on the case. (*Ibid*, sec. 15.)

Provisions for the protection of persons acting under this act. All actions and prosecutions against any person for anything done in pursuance of this act shall be laid and tried in the county or other proper venue where the fact was committed, and shall be commenced and tried within six calendar months after the fact committed, and not otherwise; and notice in writing of such cause of action shall be given to the defendant one calendar month at least before the commencement of the action. (*Ibid*, sec. 16.)

Amends. No plaintiff shall recover in any such action if tender of sufficient amends by or on behalf of such defendant is made before action brought, or if a sufficient sum of money has been paid into court since action brought; and though a verdict be given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant, unless the judge before whom the trial is had shall certify his approbation of the action, and of the verdict obtained. (*Ibid*, sec. 16.)

No costs, unless on certificate of the judge. The recorder of any city may hear and determine in a summary way, with the consent of the party charged before him; among other offences, "for assaulting a magistrate, bailiff, constable or other officer in the lawful performance of his duty, Recorder may, with consent of party charged, try summarily any assault on a constable.

or with intent to prevent the performance thereof." (20 Vic. cap. 27, sec. 1; 22 Vic. cap. 27, sec. 1.)

By the Juvenile Offenders Act, the justices before whom any person is prosecuted or tried, may order payment to the constables and other peace officers for the apprehension and detention of any person charged; and the magistrates shall certify the amount (not to exceed £2) under their hands. (20 Vic. cap. 29, sec. 16.)

Justices may allow peace officers their fees.

Any of the military or naval pensioners enrolled under the Imperial statutes as a local force, for the preservation of the peace in any part of this Province, and who volunteer to serve also as members of a local police force, or any other person volunteering to serve as aforesaid, may be enrolled to be so employed when required, under such regulations, superintendence and control as the Governor-in-Council may think proper; provided the number of men to be enrolled at any one time do not exceed five hundred. (14 & 15 Vic. cap. 77, sec. 1.)

Pensioners and others, not exceeding 500, may volunteer for police force.

The pensioners and others so enrolled shall be constables and peace officers for any locality in which they may for the time being be employed, and shall have all the powers and perform all the duties of such office (except in so far as it is herein otherwise provided), and they may be sworn as such by any magistrate for the place where they are enrolled. (*Ibid*, sec. 2.)

Persons so enrolled shall be constables wherever they are employed.

The pensioners or other persons, when actually employed as constables and members of the police force, shall receive out of the provincial or local funds the same pay which is allowed to the pensioners by her Majesty's regulations in that behalf, when called out as military pensioners to act in aid of the civil power. (*Ibid*, sec. 3.)

Pay of the men.

No such person shall be called upon to act as a constable or member of the police force for less than four days at any one time, except by his own consent; nor shall he be liable to serve in the police force when he is required in any other capacity by the imperial or military authorities. (*Ibid*, sec. 3.)

Such persons not to be called upon to serve for less than four days at a time. Nor when otherwise required.

The pensioners and others enrolled as members of the police force shall, while so enrolled, be exempt from serving as con-

Persons enrolled for

police force exempt from other duties. stables (except when acting as members of the police force), or as jurors, or in any municipal office, or in the militia, and also from statute labour or any capitation tax in lieu thereof, from arrest for debt for any sum under £30, and from taxes on any property belonging to the crown, of which the occupation may be allowed them by the Imperial or military authorities, but they shall have no right to vote upon such property at any election, whether municipal or legislative. (*Ibid*, sec. 4.)

Superintendent may be appointed a justice of the peace. The Governor may appoint the superintendent or chief of the police force in any locality to be a justice of the peace for such portion of the Province as the Governor may think fit, although he may not have the qualification in property required of justices of the peace generally. (*Ibid*, sec. 5.)

Grant of land to those who serve 5 years. A free grant of fifty acres of land shall, on condition of actual settlement, be made to each pensioner or other person who may have been enrolled in the police force for five years, and who shall receive a certificate of good conduct, and of having faithfully performed his duty as a member of the police force whenever called upon to act as such, from the commanding officer or the superintendent or chief of police under whom he has served, countersigned by the Provincial Secretary: the grant of land to avail to the children or legal representatives of such pensioner or person who may die before receiving the patent, on condition of performing or completing the duties of actual settlement as aforesaid, notwithstanding anything contained in the statute respecting the disposal of public lands to the contrary. (*Ibid*, sec. 6.)

Commanding officer of pensioners *ex officio* a justice of the peace. The officer in command of the enrolled pensioners in Canada shall be *ex officio* a justice of the peace for every part of the Province, and the staff officers of pensioners shall be justices of the peace for the locality in which they may be appointed to command the pensioners, and in any adjoining locality. (*Ibid*, sec. 7.)

Pensioners and others volunteering to be entitled to privileges of soldiers on actual service. Each of the said officers, and such of the pensioners as volunteer as aforesaid, shall be held to be officers and soldiers of her Majesty's army on actual service, and be entitled to all the privileges and exemptions to which such officers and

soldiers, when on actual service or on full pay, are by law entitled. (*Ibid*, sec. 7.)

But no such officer as aforesaid shall have any power to act as a justice of the peace, when called out or acting with any such pensioners in aid of the civil power. (*Ibid*, sec. 7.)

Officer in command not to act as a justice when called in aid of the civil power.

Under the Imperial acts, the Governor is empowered to issue his warrant to the Mayor or other chief magistrate of any town or district wherein the pensioners are enrolled, authorizing him, in certain cases where the public peace may be endangered, to call out the whole or such part of the enrolled pensioners as he may consider necessary, in aid of the civil power; and it is declared that the Mayor of every city or incorporated town in the Province, the Warden of every county or union of counties in Upper Canada, and such justices of the peace as the Governor may from time to time designate in every county in Lower Canada, shall be held to be the chief magistrate of such city, town, county or union of counties, for the purposes of the said acts. (*Ibid*, sec. 8.)

The Governor may issue his warrant, authorizing the chief magistrate of any town, &c., to call out the pensioners in aid of the civil power.

The mayor of cities, &c., in U. C., and such justices in L. C. as the Governor may direct, shall be held to be such chief magistrates.

This is a temporary act, renewed from year to year, like the Mutiny Act.

XVII.—GENERAL REQUISITES FOR THE DISCIPLINE AND CONDUCT OF THE FORCE.

I have now concluded all that is perhaps essential to state with respect to the legal rights, powers, and responsibilities of the office, although there is much more which probably could have been said on this subject; but my desire was not to give as ample a narrative as might be written, but as short and succinct a one as would be serviceable to the persons for whose use also it has been compiled.

But there are still many other matters which should be stated here, independently of the strictly legal branch, necessary to make a perfect, or even a good policeman. For instance, it is not out of place to add that the qualities required in a peace officer are strength, activity, and endurance of body; courage to a very high degree; great intelligence; and a good, plain education at least.

In the *Edinburgh Review* for July, 1852, it is said:

"Those who merely observe a policeman quietly walking along his beat, would hardly imagine the exceedingly laborious nature of his duty. Of the numerous candidates for admission into the force, not more than one in three possesses physical strength equal to the work : and the rigid discipline which exacts this exertion, also insists upon extreme propriety of conduct, and great self-command in the most trying circumstances."

The object of training and discipline is to bring out, practise, and improve these qualifications; for without them all other merit is useless. We may teach the men thoroughly in the law relating to their department, but without this further training, although they might be very good lawyers, they would be very wretched policemen.

This part of the subject is so difficult and discursive, that I hardly know how to set about it, and certainly I feel my own inability to do it anything like justice. The most, therefore, I fear, which I shall be able to do, will be to refer to works where this information can be obtained, and to endeavour to place these works if possible within the reach of the force.

Before the training of a policeman can be said to be complete, and before even he should have the baton placed in his hands, or be placed on a beat, he should have learned something of military drill; he should be found to be acquainted with the Police Regulations, and with the general nature of his duties; he should have attended frequently in the Police Court, and have seen how the other older constables give their evidence upon the various complaints which are brought up for examination or trial, for much depends upon this. It is not so easy a matter to tell a plain story as one may be at first disposed to think, without unnecessary length, in simple language, and without wandering away into all sorts of references and subjects which have nothing to do with the question. But this habit can be acquired, and it is necessary for the policeman he should practice it until he do acquire it; for the person who can give a narrative of an occurrence in the fewest words, and in the clearest and plainest manner, is by all odds the best witness.

A cloud of words will only confuse the case; and let it be remembered, that nothing can be a greater abomination than a talking policeman. All his duties should be quietly and promptly executed, and this one also—by no means the least important of them—should be performed in the same way. It seems scarcely necessary to say that the constable, particularly in giving his evidence, should most scrupulously and strictly tell the truth. His word is usually more relied upon than that of any other person, for he is officially called upon to detail the narrative, and it is presumed he will do so fairly and correctly. He is also very frequently the only witness of the acts to which he testifies, and he should reflect how serious a position he then occupies, when the liberty and even the life of another may be said to be in his hands.

There are some valuable comments in the following passages with respect to the giving of evidence, and the other general duties of the London police, which may be introduced with advantage here. In the *London Quarterly Review* for July 1856, it is said:

“The policemen, perfect in their material drill, next undergo a mental one. Drawn up in line, a sergeant or inspector questions them as to their duties: ‘Supposing you saw two men fighting, what would you do?’ ‘If you were to discover a house on fire, how would you act?’ Sometimes the constable addressed answers the question, but more generally his interrogator does it for him.

“When drilled and catechised to the full pitch, he doffs his plain clothes for a uniform, and comes out in the full bloom of a policeman. But he is still a neophyte, and before he is entrusted with a beat, he attends at a police court in order to watch the manner in which trained constables comport themselves in the witness box.

“Having learned to give evidence clearly and briefly, to listen to ludicrous scenes without smiling, and to bear bad language with imperturbable patience, he is marched off to the division in which he has elected to serve (the policeman is always, if possible, allowed this privilege), and with his armlet on his wrist and his staff in his pocket, he patrols his beat.

"Two especial injunctions are given to him—never to show his staff except to protect himself, and never to spring his rattle [or sound his whistle] at night, except in a case of great urgency. The care taken to hide this offensive weapon is one of the best points of our police arrangements.

"In six months' time it is expected that the young hand will prove a steady officer. * * * We all know him, for we see him day by day as we promenade the streets. Stiff, calm and inexorable, he seems to take no interest in any mortal thing—to have neither hopes nor fears, amid the bustle of Piccadilly or the roar of Oxford-street. 'P. C. X. 59' stalks along, an *institution* rather than a man. We seem to have no more hold of his personality, than we could possibly get of his coat, buttoned up to the throttling point.

"Go, however, to the section-house, an establishment generally attached to the chief station of each division, in which the unmarried policemen are lodged, and enter the common hall or reading-room, and you no longer see policemen, but men. They cast off their tight coats, as certain other unboiled lobsters at fixed intervals cast off their shells—they are absolutely laughing with each other! Some are writing—some are reading the morning papers—a group is grinning at the caricature of P. C. X. 202, in *Punch*; some are deep in the horrors of a romance, extended at full length along a bench, with their trowsers tucked up—all are at their ease, taking rational amusement.

"In the common room of every section-house there is a library; that in King-street, Westminster, contains twelve hundred volumes; we give a few of their titles: Taylor's Holy Living, Macaulay's Essays, Paley's Works, the Waverley Novels, Lane's Modern Egyptians, Annals of the English Bible, Alison's Europe, Byron's Works, James's Naval History, Tom Cringle's Log, Life of Mahommed by Mohun Loil, Bishop Heber's Journal, Washington Irving's Works, Colonial and Home Library."

The article contains many other important facts, but it would extend this treatise to too great a length if it were to be copied entire. I shall have occasion, however, again to refer to it before I finish this subject.

XVIII.—MODERN IMPROVEMENTS IN THE POLICE SYSTEM.

The great improvements in the police in modern times commenced in the reorganization of the force in London and in Ireland. An act of Parliament was passed for Ireland in 1836; and in order to inspire confidence in the people in the new body, and to correct an evil which had grown to an alarming extent, it was provided, and with the entire approval of the nation, by act of Parliament, that each man, upon his appointment, should declare upon oath, that, with the exception of the order of Freemasonry, he was not connected with any secret society. The effect of this was to prevent the commission of those party offences which had been before so freely and fearlessly perpetrated, under the expectation of almost certain impunity. The exclusion of all secret society men is found to prevail in every part of the old country, in the United States, and in Australia; and from the repeated complaints against the partizan character of the force in this city, it had become necessary, even in justice to the force itself, to introduce the rule here which had been found to be so necessary and beneficial elsewhere. But this, like every other salutary improvement, has been greatly condemned, and as greatly misunderstood. It is believed, and the rumour is repeated and strengthened by those who know well how untrue these rumours are—by those who regret to see the old party system abolished, and a really sound improvement introduced—that the Police Commissioners of this city have laid down a rule, that no one who is or ever has been an Orangeman shall be admitted into the force. Now, although it is not worth while to take much trouble in refuting so preposterous a story, it may nevertheless be well enough to say, that such is not the rule, and, it is hoped, never will be, because it would be quite indefensible to carry it to such an extent. Every one knows there are now many Orangemen in the force—men whom it would be hard to spare, and whose places it would be difficult to supply. But this practical refutation of the many foolish reports referred to, although it ought to satisfy any reasonable man of the groundlessness of the outcry, will be of

no effect with such men as have an object to serve in maintaining the calumny;—they cannot afford to part with their grievance; for if they laid down this one, how could they so readily find another in its stead?

This is the rule, and the extent of it: "That no person shall connect himself with or attend the meetings of any secret society, while he is a member of the force." And let it be remembered, this is not a new law, introduced by the Commissioners, but is copied from a British act of Parliament, and is the rule which prevails, as before stated, in almost every other country where it is really wished to make the police an efficient and serviceable body of men. This rule does not exclude the secret society man; he may be and is in fact yet taken as readily as any one else; all he is asked to do is not to connect himself with the society or to attend its meetings while he is a policeman; and if this be a grievance, it is probably one in which the grievance-monger will obtain but little sympathy from the reflecting public.

The police is not established for the purpose of representing any particular party, sect or country. It is created and maintained for purely social objects; it is a strictly defensive body; it is to act when called upon against felons and disturbers of the public peace. What has such a body, then, to do with partizan ties or propensities; and what has the Orange society to do with the characters which the force has to suppress? The Commissioners were acting only for the public good when they introduced the rule here, and they believe they have advanced it. They believe also they have accomplished their purpose without doing injury to any of their fellow-citizens, and they are confident they have very greatly improved the character of the force itself. The newly organized body has now the perfect confidence of the public, and for that, among many other reasons, they are, if not so useful as partizans, at any rate a far more valuable body of peace officers.

Before entirely leaving this subject, although it is referred to with much reluctance, it may nevertheless be of some use, to show the paramount necessity of this rule, that the condition

of the police, before it was remodelled, should be given. It consisted, then, of

- 1 Chief of Police,
- 1 Deputy Chief and
- 5 Serjeants (that is, 7 officers), and
- 53 men; making a total of 60.

And out of this number,

- 6 of the officers, and
- More than one half of the men,

were members of the Orange society.

This seems to have been carrying matters too far the other way, and to have justified, with much apparent reason, the many complaints which were made against the partizan character of the force—and to have given colour, not merely to the belief that none but an Orangeman could be admitted into the force, but to the belief that some of the unfortunate affrays which disgraced our city for the last few years, and which ended without the arrest or detection of any of the offenders, could not have happened, or could not so have ended, if the force had been differently constituted.

XIX.—THE ARRANGEMENT OF THE BEATS.

It is a pleasure to leave the controversial subject just treated of, and to resume the strict and more agreeable course of the narrative. It is now intended to answer the many complaints which are made, that every house and street are not watched by a policeman.

It is clear that a little reflection will show that it would be impossible to do this. There are one hundred miles of streets, and at the least eight thousand houses in the city, and only about thirty men on duty at the one time. More, therefore, cannot be done, for the men are already almost overtasked. If, however, the city must be more perfectly watched, the police force must be more liberally increased; but the expense of this is a very serious consideration. A little further consideration may probably also show that it may not be necessary even to place a man in every part of the city; for it is not by

guarding every place, but by guarding the right places, that the police force is advantageously applied. A great deal more good is done by keeping a sharp eye upon the bad haunts and low places in the city, than by observing too curiously a wider area; and therefore it is a well established axiom in police, "that you guard St. James's by watching St. Giles's."

XX.

I will now give two very full extracts from the British periodicals, on the office and services of Detectives, which will be found to be instructive, and almost refreshing, after the long dry ground we have been obliged to traverse. The first is from the *London Quarterly Review* for July 1856:

"Man is eminently a hunting animal; but there is no prey which he follows with so much zest and perseverance as his fellow-man. Some policemen, directly they enter the force, show the taste so strongly, that they are at once marched off for this special service; others, on the contrary, will remain years without detecting a single crime. From among the six thousand persons composing the force, a splendid field is afforded for selecting good men; and Bow-street, great as was its fame, did not turn out more intelligent detectives than we now possess. The officers, although they are not hail-fellow-well-met with every thief, as in the last century, still find it necessary to keep up a personal knowledge of the criminal population, especially that portion of it whose members they may at one time or other be likely to 'want.' The detectives, as well as thieves, are generally famous for some particular line of business. One is good at house-breakers, another knows how to follow up the swell-mob, and a third is a crack hand at forgers. By confining themselves to distinct branches of the art, they acquire a special sense, as it were, for the work; and it is remarkable how much their trouble is lightened by the division of labour.

"The detective stands in a very different position from the ordinary policeman. His work, long and laborious though it may be, must, to succeed, never see the light. Although he may have followed a case for years, all the public knows of it is summed up in the four words used by the constable who states the charge at the police court—'from information I received,' &c. The detective lays the foundation, which, from the shifting soil he has to deal with, is frequently far more extensive than the superstructure. His duty is to pursue the criminal through all his shiftings and turnings, until the case is clear against him, and then fearlessly draw him forth from his hiding-place, as a

ferret would a rabbit, and hand him over to an ordinary constable to bring him to the judgment seat.

"Much of the information by which the perpetrators of crime are discovered, comes from their own body. Thus: two thieves fall out, and one, prompted by revenge, and stimulated by the hope of reward, 'splits' upon his confederates; or some abandoned female, jealous of another, gives information which leads to her paramour's apprehension. The revenge taken by members of this fraternity upon a 'pal,' whose treachery is discovered, is often so signal, that the utmost caution is exercised in communicating with the police, lest suspicion should be excited. The constable, whose aim is to encourage these revelations, must never, by his want of address, give any hint of the source from which he receives his information; nay, he finds it necessary sometimes to pursue keenly a false scent, in order to divert attention from the betrayer. Between the detective and the thief there is no ill blood. When they meet, they give an odd wink of recognition to each other,—the thief smiling, as much as to say, 'I am quite safe, you know;' and the detective replying with a look, of which the interpretation is, 'We shall be better acquainted by and by.' They both feel, in short, that they are using their wits to get a living, and there is a sort of tacit understanding between them that each is entitled to play his game as well as he can.

"In pursuing the track of an offender, the officers often come across other crimes, of which they were not aware, and are for a time thrown off the scent, just as a pack of fox-hounds by a hare which crosses their path. In such cases the only way is to try back until the original trail is found. It is not uncommon in this manner to stumble upon a regular net-work of roguery, and to discover the whereabouts of parties who have long been 'wanting.' The most trivial hint will suffice to put the detective on the right track; for, like men accustomed to work in the dark, things which to others are invisible, to them appear clear as noon-day. The gossiping tendency of neighbours is especially useful to them in worming out secrets. To obtain a single link in a chain of facts, they will often hang about a house for months, interrogating the newspaper lad, waylaying the servant-girl as she is going for her supper beer, and picking all he wants to know out of her, as easily as a locksmith picks a lock, and with quite as little consciousness on the part of the person operated upon.

"Mr. Dickens publishes some excellent papers in the numbers of *Household Words*, which illustrate admirably the habits of these officers. From these we select the following story, not that it is the most dramatic, but that it shows the vast number of dodges by which the detectives accomplish their ends:

" 'Tally-ho Thompson,' says sergeant Witchem, after merely wet-

ting his lips with his brandy-and-water; 'Tally-ho Thompson was a famous horse-stealer, couper and magman. Thompson, in conjunction with a pal that occasionally worked with him, gammoned a countryman out of a good round sum of money, under pretence of getting him a situation—the regular old dodge—and was afterwards in the *Huc-and-Cry* for a horse, a horse that he stole down in Herefordshire. I had to look after Thompson, and I applied myself of course in the first instance to discovering where he was. Now, Thompson's wife lived along with a little daughter at Chelsea. Knowing that Thompson was somewhere in the country, I watched the house, especially at post time in the morning, thinking that Thompson was likely to write to her. True enough, one morning the postman comes up and delivers a letter at Mrs. Thompson's door;—little girl opens the door, and takes it in. We are not always sure of postmen, though the people at the post offices are always very obliging. A postman may help us or not, just as it happens. However, I go across the road, and I say to the postman, after he has left the letter, 'Good morning; how are you?' 'How are you?' says he. 'You've just delivered a letter for Mrs. Thompson?' 'Yes, I have.' 'You did not happen to remark what the post mark was, perhaps?' 'No,' says he, 'I did not.' 'Come!' says I, 'I'll be plain with you! I am in a small way of business, and I have given Thompson credit, and I cannot afford to lose what he owes me. I know he's got money, and I know he's in the country; and if you could tell me what the post mark was, I should be very much obliged to you, and you'd do a service to a tradesman in a small way of business, that can't afford a loss.' 'Well,' he said, 'I do assure you that I did not observe what the post mark was; all I know is that there was money in the letter—I should say a sovereign.' This was enough for me; because of course I knew that Thompson having sent his wife money, it was probable she'd write to Thompson 'v return of post, to acknowledge the receipt. So I said 'Thankee' to the postman, and kept on the watch. In the afternoon I saw the little girl come out. Of course I followed her. She went into a stationer's shop, and I need not say to you that I looked in at the window. She bought some writing paper and envelopes, and a pen. I think to myself, that'll do!—watch her home again, and don't go away, you may be sure, knowing that Mrs. Thompson was writing her letter to Tally-ho, and that the letter would be posted presently. In about an hour or so, out came the little girl again, with the letter in her hand. I went up and said something to the child, whatever it might have been, but I could not see the direction of the letter, because she held it with the seal upwards. However, I observed that on the back of the letter there was what we call a kiss—a drop of wax by the side of the seal—and again, you understand, that was enough for me. I saw her post the letter, waited till she was gone, then went

into the shop, and asked to see the master. When he came out, I told him: "Now, I'm an officer in the Detective Police; there's a letter with a kiss been posted here just now, for a man that I'm in search of; and what I have to ask of you is, that you will let me look at the direction of that letter." He was very civil; took a lot of letters from a box in the window; shook 'em out on the counter with their faces downwards, and there was the identical letter with a kiss. It was directed 'Mr. Thomas Pigeon, post office, B——; to be left till called for.' Down I went to B—— (a hundred and twenty miles or so) that night. Early next morning I went to the post office; told him who I was, and that my object was to see and touch the party that should come for the letter for Mr. Thomas Pigeon. He was very polite, and said, 'You shall have every assistance we can give you; you can wait inside the office, and we'll take care to let you know when anybody comes for the letter.' Well, I waited there three days, and began to think nobody ever would come. At last the clerk whispered to me, 'Here, detective; somebody's come for the letter.' 'Keep him a minute,' said I, and I ran round to the outside of the office. There I saw a young chap with the appearance of an ostler, holding a horse by the bridle, stretching the bridle across the pavement while he waited at the post-office window for the letter. I began to pat the horse, and that; and I said to the boy, 'Why, this is Mr. Jones's mare.' 'No, it a'nt.' 'No?' said I, 'She's very like Mr. Jones's mare.' 'She a'nt Mr. Jones's mare, any how,' says he, 'it's Mr. So-and-so's, of the Warwick Arms,'—and up he jumped, and on he went, letter and all. I got a cab, followed on the box, and was so quick after him that I came into the stable yard of the Warwick Arms by one gate just as he came in by the other. I went into the bar, where there was a young woman serving, and called for a glass of brandy-and-water. He came in directly, and handed her the letter. She casually looked at it, without saying anything, and stuck it up behind the glass, over the chimney-piece. What was to be done next. I turned it over in my mind while I drank my brandy-and-water (looking pretty sharp at the letter the while), but I could not see my way out of it at all. I tried to get lodgings in the house, but there had been a horse fair or something of that sort, and it was full. I was obliged to put up somewhere else, but I came backwards and forwards to the bar for a couple of days, and there was the letter, always behind the glass. At last I thought I'd write a letter myself, and see what that would do. So I wrote one, and posted it, but I purposely addressed it Mr. John Pigeon, instead of Mr. Thomas Pigeon, to see what that would do. In the morning (a very wet morning it was) I watched the postman down the street, and cut into the bar just before he reached the Warwick Arms. In he came presently, with my letter.

'Is there a Mr. John Pigeon staying here?' 'No!—stop a bit, though,' says the bar-maid, and she took down the letter behind the glass—'No,' said she 'it's Thomas, and he is not staying here. Would you do me a favour, and post this for me, as it is so wet?' The postman said 'Yes.' She folded it in another envelope, directed it, and gave it him. He put it in his hat, and away he went. I had no difficulty in finding out the direction of that letter; it was addressed 'Mr. Thomas Pigeon, post office, R—, Northamptonshire—to be left till called for.' Off I started directly for R—. I said the same at the post office there as I had said at B—, and again waited three days before anybody came. At last another chap on horseback came. 'Any letters for Mr. Thomas Pigeon?' 'Where do you come from?' 'New Inn, near R—.' He got the letter, and away he went at a canter. I made my enquiries about the New Inn, near R—; and hearing it was a solitary sort of house, a little in the horse line, about a couple of miles from the station, I thought I'd go and have a look at it. I found it what it had been described, and sauntered in to look about me. The landlady was in the bar, and I was trying to get into conversation with her—asked her how business was, and spoke of the wet weather, and so on—when I saw through an open door three men sitting by the fire in a sort of parlour-kitchen, and one of these men, according to the description I had of him, was Tally-ho Thompson! I went and sat down amongst them, and tried to make things agreeable, but they were very shy—would not talk at all—looked at me and at one another in a way quite the reverse of sociable. I reckoned 'em up; and, finding that they were all three bigger men than me, and considering that their looks were ugly, that it was a lonely place, railroad station two miles off, and night coming on, thought I could not do better than have a drop of brandy-and-water, to keep my courage up. So I called for my brandy-and-water, and as I was drinking it by the fire Thompson got up and went out. Now, the difficulty of it was, that I was not sure it *was* Thompson, because I had never set eyes on him before, and what I wanted was to be quite certain of him. However, there was nothing for it now but to follow, and put a bold face upon it. I found him talking outside in the yard with the landlady. It turned out afterwards that he was wanted by a Northampton officer for something else, and that, knowing that officer to be pock-marked (as I am), he mistook me for him. As I have observed, I found him talking with the landlady outside. I put my hand upon his shoulder, this way, and said, 'Tally-ho Thompson, it's no use; I know you. I am an officer from London, and I take you into custody for felony.' 'That be d—d!' says Tally-ho Thompson. We went back into the house, and the two friends began to cut up rough, and their looks didn't please me at all, I assure you. 'Let the man go;

what are you going to do with him?' 'I'll tell you what I am going to do with him; I'm going to take him to London to-night, as sure as I am alive. You mind your own business, and keep yourselves to yourselves; it'll be better for you, for I know you both very well.' I'd never seen or heard of them in all my life, but my bounsing cowed them a bit, and they kept off, while Thompson was making ready to go. I thought to myself, however, that they might be coming after me on the dark road, to rescue Thompson; so I said to the landlady, 'What men have you got in the house, Missis?' 'We have not got no men here,' she says, sulkily. 'You have got an ostler, I suppose?' 'Yes, we have got an ostler.' 'Let me see him.' Presently he came; a shaggy-headed young fellow he was. 'Now attend to me, young man,' says I. 'I'm a detective officer from London. This man's name is Thompson. I have taken him into custody for felony. I am going to take him to the railroad station. I call upon you, in the Queen's name, to assist me;—and mind you, my friend, you'll get yourself into more trouble than you know of if you don't.' You never saw a person open his eyes so wide. 'Now, Thompson, come along,' says I. But when I took out the handcuffs, Thompson cries, 'No! none of that!—I won't stand *them*!—I'll go along with you quiet, but I won't bear none of that.' 'Tally-ho Thompson,' I said, 'I'm willing to behave as a man to you, if you are willing to behave as a man to me. Give me your word that you will come peaceably along, and I don't want to handcuff you.' 'I will,' says Thompson, 'but I'll have a glass of brandy first.' 'I don't care if I've another,' said I. 'We'll have two more, Misses,' said the friends, 'and confound you, constable, you'll give your man a drop, won't you?' I was agreeable in that, so we had it all round, and then my man and I took Tally-ho Thompson safe to the railroad, and I carried him to London that night. He was afterwards acquitted, on account of a defect in the evidence, and I understand he always praises me up to the skies, and says I'm one of the best of men.'

"The principal sign by which a thief may be distinguished in any assembly, is the wandering of his eye. Whilst those about him are either listening to a speaker or witnessing a spectacle, his orbits are peering restlessly not to say anxiously around. When the thief-taker sees this, he knows his man. One of the detective police, who attended at the laying of the foundation-stone of the Duke of Wellington's College, thus explained to us the capture of a gentlemanly-looking person who was present on that occasion:

"'If you ask me to give my reason why I thought this person a thief the moment I saw him, I could not tell you. There was something about him, as about all swell-mobsmen, that immediately attracted my attention, and led me to bend my eye upon him. He did

not appear to notice my watching him, but passed on into the thick of the crowd, but then he turned and looked towards the spot in which I was. This was enough for me, although I had never seen him before, and he had not to my knowledge attempted any pocket. I immediately made my way towards him, and, tapping him on the shoulder, asked him abruptly, 'What do you do here?' Without any hesitation he said, in an under tone, 'I should not have come if I had known I should have seen any of you.' I then asked him if he was working with any companions, and he said 'No; upon my word I am alone.' Upon this I took him off to the room which we had provided for the safe-keeping of the swell-mobsmen.'

"This was a daring stroke, but it succeeded as it deserved. If the man had been really honest, he would have turned indignantly upon the person who questioned him; but pickpockets are essentially cowards, both morally and physically, and they generally 'come down at once,' to save trouble, when the officer has his eye upon them, as the opossums were wont to do when they espied that dead shot, Colonel Crockett."

The second is from the *Edinburgh Review*, for July 1852 :

"A policeman's evidence generally begins thus, 'from information I received,' and the very essence of the system lies hid under these words; the mode by which this information was procured being kept secret with much care. Almost all such information is obtained from the criminal population, and we must explain how it happens that criminals are willing to assist their natural foes, in accomplishing the destruction of their own colleagues. That 'there is honor among thieves' is one of the falsest of all false proverbs. Thieves living in habitual violation of the rights of others are necessarily of all persons least swayed by consideration of what is due to their neighbours, and of all classes of men, they form the single exception of having no community of interest among themselves, indeed they are quite as ready to snatch plunder from thieves as from honest men. They live therefore in a state of constant hatred, jealousy and fear of each other. In general also they lead a life of excitement, gambling, drinking and vicious indulgence, their daily life is that of a gambler staking his liberty in every successive act: they are almost invariably living with female associates, the partners of their profligacy, generally their accomplices in crimes, almost always the victims of their brutality; for from the habitual indulgence of their evil passions they have no idea of self-control and are capricious, irritable, quarrelsome and revengeful. Hence from jealousy or anger these women are perpetually tempted to turn upon their tyrants, and by a hint to a policeman, secure a certain, secret, and sweet revenge. But this course is

full of danger, for the vengeance wreaked against an informer is occasionally of a character truly awful. However desirous she may be to give information she dare not do it indiscriminately. She must have sufficient knowledge of the police officer to satisfy her that he will not betray her, or even by a clumsy mode of proceeding throw suspicion upon her; if a reward is stipulated she must feel confidence that she will not be cheated of it—in short if there is no honor among thieves, there must be among policemen, or the sources of their information would be dried up.

"Another motive which weighs strongly with criminals is the hope of propitiating the police officer. The habitual state of mind towards the police of those who live by crime is not so much disliked as unmitigated slavish terror. From childhood the thief has felt that the policeman is his foe, against whom he cannot contend, from whom he cannot escape but by flight, and by whom he must ultimately be overcome. This feeling being constantly excited grows stronger and stronger being shared by all his associates, it reacts on his mind through their's, until it becomes an instinct which he cannot controul. Conscious of a thousand offences he feels safe only so long as he is unknown. When this defence is gone a ruffian will drop his usual tone of bullying audacity and follow every look of the police officer like a beaten hound creeping to lick his master's feet. We see in higher grades of life the servile running after the powerful and doing dirty work, not for any definite reward but from a vague hope of favour, and we cannot wonder if thieves imitate their betters though they get as little by it.

"They also take a professional view of the policeman's duty—knowing that in pursuing them he is only acting in his vocation. The relation between a policeman and a regular London thief who follows his business as a profession is very like those between the soldiers of regular armies, there is no personal animosity, the thief expects that he is not to be worried for nothing, that the policeman for instance is not to step out of his way to get him imprisoned for a month instead of fourteen days—as one sentinel does not expect to be shot by another, an event which however disagreeable to him cannot influence the result of the campaign. But when anything serious has occurred and the chief has been fairly hunted down, he bears no malice, the battle has been fought and lost, he yields to his fate and his anger is not directed against the policeman, but towards some accomplice whose treachery he suspects.

"A skilful police officer therefore regulates his conduct according to the feelings of the class with whom he has to deal. His first object is to know them by sight, their names, haunts, connexions and associates; he is inviolably secret as to any information given him and

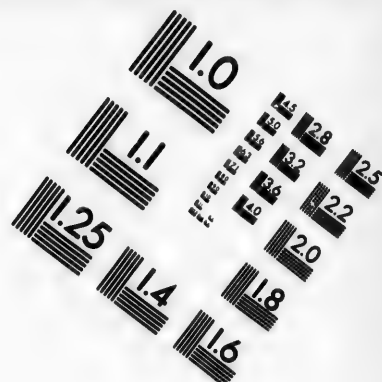
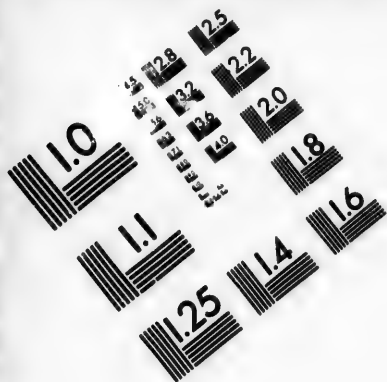
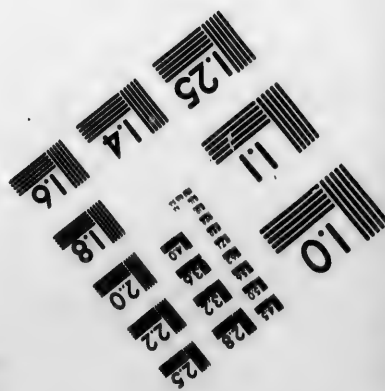
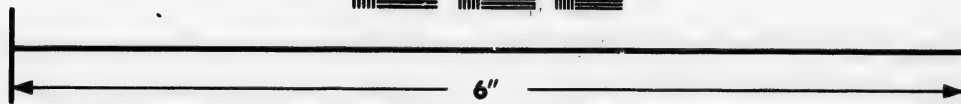
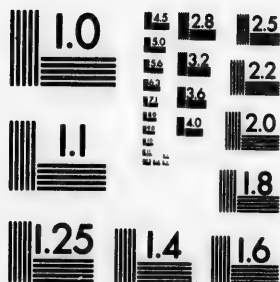


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

0
14 128
15 125
16 122
17 120
18

10
01

will take as much trouble to shelter an informer as to lay hold of a delinquent; persons have even been arrested and apparently pursued with determined perseverance merely to blind their associates. He presumes to an incredible extent upon the known cowardice of the thieves, he will not associate with them, for that would lower his ascendancy over them besides exposing him to the risk of losing his own situation, but he never permits himself to treat them with contempt or incivility; for their irritable and uncontrollable tempers would resent this and lead them in retaliation to conceal anything he might wish to learn. From one or other of these motives—jealousy, revenge, the desire to propitiate the policeman, and more than all the hope of reward,—almost any amount of information may be obtained, provided only that the right man applies in the right quarter.

“It might be supposed that a thief knowing that any one of his companions would betray him for ten pounds would endeavor to conceal his movements even from them. But again the necessary conditions of a criminal life make this impossible. A thief has no home—solitude is unendurable; he cannot if he would associate with honest people; so that it is a necessity with him to frequent those places where such as himself are permitted to assemble. He knows that in those houses the policeman expects to find him, but even that risk will not keep him away. The public house is his place of amusement, and also his place of business, for here he meets his associates, gains information and arranges schemes of plunder. Living thus as it were in public and amidst persons whose whole conversation is on their daily business, every thing connected with him is perfectly well known to the peculiar circle in which he moves.

“There is another curious characteristic of this community. They divide themselves into classes according to the particular branch of crime which they practice. The burglar never picks pockets nor associates with pickpockets; the thimble-rigger is equally separate from the bludgeon man and in a great degree they frequent different houses. This system is of infinite advantage to the police; for when a crime has been committed the detectives of each division instead of making their enquiries at random and in all directions know precisely in what class and sometimes in what house to look for the offenders.

“We would further remark that frequently when a crime has been committed it is found impossible to identify the parties; in these cases the exertions of the police however successful in detecting and apprehending the criminals come to nothing in the end because no conviction can take place; there is a failure in justice though none in the police system. The case of Mr. Cureton, which occurred the year before last, is an example of this as well as of the real danger which actually exists and which nothing but the constant guard of an effec-

tive police system prevents from breaking out in frightful magnitude.

"Three men in broad daylight knocked at the door of his lodgings in Aldersgate street in London: it was opened by the landlady and they went up stairs to his room. One of them asked him for a particular coin, and on his turning round to look for it in his cabinet he was stunned by a blow on the head with a life preserver, and to prevent an alarm being given the flexible handle of the murderous instrument was twisted round his neck, the robbers then ransacked the drawers and in a few minutes after left the house. It is probable that in less than half an hour the coins were passed to a receiver of stolen goods, and melted down in a crucible.

"When Mr Cureton was restored to his senses all remembrance of the appearance of the men had passed from his mind, and the landlady's memory was equally treacherous. In these circumstances a conviction was impossible, because the stolen property had assumed a different form, and there was no one able to recognise the offenders. In fact, if the police had brought the three men into court with the melted gold in their hands, they must necessarily have been discharged. Something of this sort did indeed occur, for one of the real offenders (at least the police, who followed up the slight clue with extraordinary care, had little doubt that he was one of them,) was arrested, but the case did not admit of proof, and he was set at liberty by the magistrate.

"We now come to the Holford House burglary. Mr. Holford having gone to America, left his house in the Regent's Park under the care of servants. About two o'clock of the morning of the fourteenth of October, 1850, the butler heard some persons effecting an entrance into the dining-room. He awakened the other servants, and having armed themselves, they went out at opposite sides of the house, and suddenly attacked the four robbers, one of whom was knocked down and secured, the other three escaped. Several shots had been fired; one servant, armed with a pistol with a spring bayonet, had discharged it across a small bush at one of the robbers, and at so short a distance, that the bayonet actually touched him. Traces of blood were found, and it was supposed that the man had been mortally wounded, and having run some way, had been unable to go further, and had, probably, been thrown by his companions into the Regent's canal.

"The fact, however, was, that in the darkness and confusion the burglar had tripped and fallen, just as the trigger was pulled, and had received no injury, except that his hand, striking the end of the bayonet, had been slightly cut, as well as grazed by a couple of shot, and blackened by the powder; and the blood came from another of the robbers, who had been severely wounded in the head and neck by a random discharge of small shot: the third man was unhurt, and nothing was found on the premises but a hat with some very small

holes in it. The mode in which the police detected and arrested these three men will illustrate our previous remarks, and show the working of a system which gleans information over a wide area, and combines it for practical application.

"Next morning the prisoner was brought up for examination. He gave his name as William Dyson, but among the criminal population, names are assumed one day to be discarded the next, and afford no clue to the identity of the individual. The first step taken, was to place among the crowd some keen observers, to watch, not the case, but the spectators. As the examination proceeded, and the feelings of the listeners became excited by the dramatic way in which the story unfolded itself, and their varying emotions were more openly manifested, it was noticed by the police, that two women were watching the proceedings with an intensity of anxiety which betrayed a personal interest in the issue. Slight as the chance was, it was not neglected, and they were immediately marked for observation. After the examination one of these women went to a beer-shop, the other, to see Dyson in the House of Detention where he had been remanded. She soon rejoined her companion, and both were tracked across the river into Southwark, there they separated; but from house to house the persevering detectives followed the trail of each, until they reached their respective homes. Local knowledge being now wanted the Southwark or M was called into action. The woman who had gone to the prison, was recognised by them as the mistress of a house-breaker, commonly known by the soubriquet of 'the doctor;' the other was soon after ascertained to be living with, and the active assistant of a notorious ruffian of the name of James Mahon. This of course directed suspicion towards Mahon, and now was felt the power gained by a systematic watch over the criminal population. All the prisons within the Metropolitan Police District are visited each week by an intelligent constable from every division: besides which it is the custom whenever an offender is arrested and taken to the police station that he should be brought out of his cell and placed in such a position that every man of the division as he went upon duty had a good view of him so that in time their faces become perfectly well known. Moreover a patrol visits the thieves houses of resort every night, and records in detail all those whom they find there. When it was circulated through the division that one of the Holford house gang probably 'the doctor' had been arrested and that Mahon was suspected, one of the patrol recollected that at ten on the night of the burglary they had found in a public house 'the doctor, Mahon, two other men Mitchell and Robinson, and a woman, all apparently in earnest consultation. The sergeant of the patrol went at once to the house of detention and there in the prisoner Dyson recog-

nized 'the doctor.' During the following night it was also ascertained that none of the three suspected persons appeared at their usual haunts. It was clear therefore that the first point was gained, the gang was known, the range of enquiry was at once limited to three known individuals, and the police now turned their undivided attention to the discovery of their places of concealment. Our readers will recollect our explanation of the abundant sources of information that may be opened up by judicious management; money being wanted it was under the advice of the Magistrate supplied by a friend of Mr. Holford, and the whole of the Southwark Division being on the alert, feelers were put forth in every direction. One man was successful. He was acquainted with a woman who had formerly lived with Mahon, but had been deserted by him and he sounded her. Whether there had been a quarrel or whether the woman's jealousy at being supplanted was stirring within her or whether the reward alone was motive enough, she consented to give her assistance and a bargain was struck. She could not however, learn where Mahon was concealed, for his present companion was faithful to him. But it is the curse of a criminal that friends and foes are alike dangerous, and she managed to find out that the other woman washed his clothes, and on the next Saturday evening would take some to him, and a plan was laid accordingly. When the Saturday night came the false friend followed at a safe distance by a 'detective' found some pretext for joining the other and the two women set out together, one carrying the little bundle of clean clothes. They crossed the river and proceeded rapidly by narrow courts and unfrequented dimly lighted streets in the direction of Shoreditch. So thick and dark was the night that the detective sergeant would have been thrown out had not this contingency been foreseen and guarded against, under her dingy dirty dress the confidante had put on a 'clean white petticoat and at the sharp turns or crossings the dark dress was raised and the white signal was shown to her followers. In this way the whole of London was traversed and at length they reached a public house at the Kingsland road, here they stopped, the woman with the bundle went in, the other disappeared. The sergeant soon found a policeman on his beat and making himself known secured his services, and directed him to fetch two more. He then entered the house and there in a large room where a number of thieves were smoking and drinking, he saw the object of his pursuit, Mahon, sitting beside the woman whose faithful services had so unwittingly betrayed him. Fortune seemed disposed to shower her favours on the 'police officer, for a little farther off he espied Robinson. Confident in his ascendancy over any number of criminals, he allowed one police-man to show himself at the door, and with the quiet business-like manner which characterises the detective, he

walked up to Mahon and told him he was wanted. The robber felt that his hour was come; as to resistance, notwithstanding the numbers present, no one so much as thought of it; each in his secret soul was relieved to find that he was not the person wanted, and was quite willing to sacrifice Mahon for the benefit of the community present: besides, for anything he knew the whole division might be behind the policeman at the door, at a signal from the sergeant this man now came in, his place, however, for the sake of appearances being immediately taken by another. Mahon with perfect submission went to the bar where he was searched and handcuffed; Robinson was also arrested and both prisoners were removed to the station-house.

"Some important evidence was supplied by a cabman, who had read in the newspapers the account of the robbery. He had been on his stand not far from Holford house, when about two o'clock in the morning of the fourteenth of October, (the hour at which the attempt had been made) a man ran up to him and saying that his hand had been bitten by a dog, asked him to pump some water upon it, that he might wash away the blood, immediately afterwards, another man without a hat and with blood pouring from his face and neck, ran up to the stand called the cabman and jumping hastily into the cab was driven off towards the strand. When the cabman was brought to the police office he was confronted with Mahon, and recognized him as the man who had washed his hand at the pump. On the hand being examined, it was evident not only that the wounds had not been occasioned by the bite of a dog, and therefore his story to the cabman was false, but they corresponded to the cut of the bayonet and graze of the shot, and the dark blue stain of the gunpowder was still there. The wounds however, were healing, and the hand returning to its natural state, so that those curious pieces of circumstantial evidence would have been lost had there been much delay in Mahon's apprehension. It was of course surmised that the wounded man who called the cab was the remaining one of the gang, Mitchell, and his conduct rendered this highly probable. While proceeding on his way he heard a chaise coming after him at a gallop; he instantly called to the cabman to stop, jumped out and though almost fainting from loss of blood, attempted to run away. The chaise however, passed on and he returned, but in the extremity of his terror all considerations of prudence gave way before the one thought of, watchfulness against pursuit, and he would not enter the cab again but got upon the box. In the strand he was put down—the cabman getting another fare, drove off and all further trace was lost.

"The police, however, thought that in these circumstances a criminal trying to escape and finding his strength failing, would most probably desire to be driven towards his place of concealment, but would

stop short of it in order to baffle pursuit, and were satisfied that Southwark was the cover to be gained: this coincided also with the belief that Mitchell was the man, and the M division were again set in motion. This time recourse was had to one of those women who living by the vices of others are perhaps the most degraded and infamous of the human race. For a stipulated reward she engaged to endeavour to ascertain Mitchell's hiding place. Her information was however necessarily at second hand, and therefore imperfect besides being tardy. Three times did the officers search houses which were indicated to them without success, Mitchell having gone away before their arrival, and it seemed doubtful whether there was not some double treachery going on. The next place named was a house in Little Surrey street, Blackfriars road; but as it was a private house kept by persons apparently supporting themselves by honest labour, it was necessary to proceed with much caution. A policeman was found who was a friend of the nearest baker, and who learnt from him that an unusual quantity of bread had of late been supplied to the house; another policeman was acquainted with the owner of the house and contrived on some pretext to get the door opened.

"The sergeant then went in and asked who the lodger was. While the parley was going on, the face of a woman, listening anxiously, appeared over the banisters, and she was recognised as having been with the gang in the public house on the night of the burglary. All hesitation was now over, and on going into the bed-room, they found Mitchell (who had been wounded by a discharge of small shot) with his head and neck enveloped in bandages and bread poultices; he was in a miserable state, for hitherto he had been afraid to get medical assistance.

"The officers now, having fairly run their game down, treated him with great kindness; he was carefully removed to the station house, every comfort provided for him and a surgeon procured to dress his wounds. When taken to the Police Office, the hat with the shot holes was found to fit him, and he confessed his guilt.

"There still remained one man undiscovered, for Robinson was set at liberty, the police having learned that though he had remained with the gang to a late hour, he had quitted them before they went to Holford House. The real offender, who had been the contriver of the whole, was afterwards arrested on information they had received; but as he had taken no booty, was not marked, and could not be identified, he was necessarily discharged for want of proof: the other three were transported for life. The complete success of the police, however, shows the complete efficiency of the present system: no single officers could have traced out all the actors in the business; it required a systematic supervision of the criminal population, and a special in-

strument for each special purpose, as well as combined action over a wide area.

"The Great Exhibition afforded a rare opportunity of putting to a severe test the capacity of our police establishment to meet any unusual demand.

"Undoubtedly, the apprehension which at first was generally felt was unreasonable, but, in circumstances so novel, it was prudent to take great precaution. An addition was made to the force of one thousand and ninety-five men: thirty-three police officers were brought over from foreign countries, and twenty-four came up from the Provinces. By day, three hundred and eighty-six of the metropolitan, seven of the foreign, and six of the provincial police kept watch inside of the building—and two hundred and thirty-seven of the Metropolitan, seven of the foreign and six of the Provincial police guarded the outside and the entrances. At night, fifty-four were on duty inside, and thirty-three outside of the building. Besides this, the arrivals of foreigners by steamboat and railway were carefully watched. It is almost superfluous to add, that London was never less disturbed than during last summer, and that the good order which prevailed at the Exhibition, and the civility and attention of the police were remarked by every one, and deserve unqualified approbation.

"The thieves seem to have been fairly frightened away, there having been only eight cases of picking pockets, and ten of pilfering; most of the latter were of a trivial description, and were sufficiently punished by fines; in every instance the whole of the stolen property was recovered.

XXI.—THE BENEFIT OF PHOTOGRAPHY.

Before concluding, I find there is something further, to which the attention of the police should be constantly given; it is, not merely to discover and know the haunts of offenders, and to be able to detect the "swell mob" under whatever guise they may appear, but it is to keep in memory the faces of those who may have passed through their hands professionally, by procuring if possible likenesses of all notorious offenders, to enable the officer more easily to identify them. For this purpose some of the men should be instructed in the art of photography, as a necessary part of police education in the present day; and it would only be proper of the Government to be at the expense of the necessary apparatus and instruction for so beneficial and national an object. Photography has been applied to this object, and with much success, for many

years, and it should be more encouraged than it is, on account of the great service it is as a "criminal detector" to the police officer, who may, and who frequently must, be a perfect stranger to the party who is "wanted."

In the *London Jurist* (part 2, vol. 1, N. S., fols. 6 & 16), are two very good letters on the subject. In one of them the governor of Bristol gaol says :

"J. H. came into the Bristol gaol upon commitment for trial, a perfect stranger to me and my officers. He was well attired, but very illiterate. The state of his hands convinced me he had not done any hard work, while the superiority of his apparel over his attainments led me to suspect that he was a practical thief. I forwarded his likeness to several places, and soon received information that he had been convicted in London and Dublin. The London officer who recognised him by his portrait, was subpoenaed as a witness, picked him out from among thirty or forty other prisoners, and gave evidence on his trial which led the Recorder to sentence him to six years' penal servitude.

"J. D. came to the gaol wholly unknown. His person and manners induced me to suspect that it was not his first appearance in a place of confinement, and having made several copies of his portrait, I sent them round to the governors of different prisons. He was recognised as having been convicted at Wells; the necessary witness was subpoenaed, his former conviction proved, and he was sentenced to four years' penal servitude.

"I could mention several instances, in which some most notorious thieves, strangers to this part, have been brought to proper punishment."

The other writer says :

"A young man and woman were convicted before one of the Scotch police courts, of shop-lifting, and sent for sixty days' to prison. The offence was a grave one, and the award was the extreme limit the magistrate could give. The prisoners were total strangers to the police. One gentleman, however, connected with the detective force, perhaps from motives of curiosity, communicated a minute description of them to the Dublin police, suspecting from the accent of the prisoners that they came from that city. The result proved that the man had been no less than eighteen times in prison in Dublin—twelve of these for thefts—and the woman six times in prison for the same offence; in short, that they were professional thieves, who had just changed the scene of their depredations from Dublin to Glasgow.

"Had this been known before their case was disposed of, they

could have been dealt with as habit-and-repute thieves ; but under the present system, they may pass from one locality to another, running the course of the petty courts, and being treated as persons brought up for the first time, instead of being transferred to the highest criminal court, and disposed of according to their deserts. Now, the aid photography would give in discovering the real character of such offenders, will be at once apparent. A common interchange of portraits of noted thieves [and offenders], would form a most valuable and interesting pertinent of the police establishment of a great city."

XXII.—PROVIDING PENSIONS FOR THE MEN.

The following reflections on what I have written, irresistibly present themselves to my mind.

As it is essential to have peace officers, is it not advisable to make them as efficient and as serviceable as possible, not merely in their physical but in their mental training, for their peculiar profession ? And can this be done, unless the men, who have been trained and educated for this purpose, are retained by every proper inducement in the service into which they have entered ?

If the men be underpaid, or be insufficiently cared for and protected, and, more particularly, if they see that long and faithful service brings with it no improvement in their condition, and no relaxation in their duties ; that while they had no time in their youth, by any degree of exertion or ingenuity, to add to their salary by extending their sphere of labour, as the mechanic, or farmer, or even the labouring man could, and by pursuing those means which are open to almost every other man in the community ; and that they are, so soon as age has crept upon them, to be turned adrift as no longer fit for duty, simply because they are too old, and are not further wanted, it will be impossible to have, and in vain to expect, a proper police force. If it be remembered that the life of a policeman is one of constant danger ; that he does not know what hour he may be called upon to perform the most perilous duty, or at what moment he may be injured, maimed or killed ; and that his whole life may be said to be spent in warfare ; and that, unlike the soldier, he is engaged chiefly at night, in obscure haunts, with the most desperate and unscrupulous vagabonds, and

against enormous odds—it would seem but reasonable that those who have been precluded from enriching themselves as others have, should, when they have given their youth and strength to the public, be cared for by the public in turn, when, from age or other infirmity, they are unable to care for themselves.

The best way to provide for an old and deserving servant is by pension or annuity; and the advantage of this method is, that it secures a higher and better class of men for the service. It induces them to be more diligent and courageous in the performance of their duty, and it retains the good and experienced officer in the service.

These pensions are granted in England, and no doubt in most countries, but in the United States, where the most miserable political blindness prevails on this subject.

The details of such a scheme, it would be needless now to advert to: they are embodied in a Bill, which was prepared for the Legislature last session, and which will be submitted, and may become the law of the land. At present it is merely the scheme itself which it is intended to notice; and it is to be hoped that some such method as this may yet be adopted, for rewarding faithful and honorable service.

The following are the provisions made by act of Parliament in the old country on this subject:

The 3 & 4 Vic. cap. 88, sec. 10, provides that there shall be deducted from the pay of every constable not more than 2½ per cent., and that such sum, and also the money accruing from stoppages from any other constables during sickness, and the fines imposed on them for misconduct, and on drunken persons, or on any persons for assaults on constables, and also the share of fines and penalties on summary convictions awarded to informers (when the police are the informers), and all monies arising from the sale of worn or cast-off clothing supplied for the use of the constables, shall be invested at interest, and the interest accruing thereon shall, if not required, be also added to the above sums; and such respective amounts shall together form a Superannuation Fund, for the payment of such superannuation or retiring allowance or

gratuity as the justices in sessions may order, on recommendation of the chief constable.

*See Hobson
v. The Mayor
of Kingston-on-Hull,
4 K.L. & B.L. 986.*

By sec. 11, the justices may, on such recommendation, order any of the constables to be superannuated, and to receive out of the fund a yearly allowance, subject to the following conditions, and not exceeding the following proportions—that is to say: If the constable have served with diligence and fidelity for fifteen and for less than twenty years, an annual sum of not more than half his pay; and if for twenty years or upwards, an annual sum of not more than two-thirds his pay; but if the constable be under sixty years of age, he shall not receive any allowance unless on the certificate of the chief constable it appears he is incapable, from infirmity of body or mind, to discharge the duties of his office. It is also provided that if any constable be disabled, from any wound or injury received in the actual execution of his office, he may have an allowance granted to him of not more than the whole amount of his pay. And it is declared that notwithstanding these provisions, they shall not be construed as giving an absolute right to the constables, without the consent of the justices, to claim the superannuation allowance, nor to prevent the justices from dismissing them without it.

By the 11 & 12 Vic. cap. 14, further provision with respect to the superannuation allowance is made. This act authorizes not more than one thirty-sixth of the men's pay and emoluments (exclusively of their clothing) to be deducted as the contribution to the fund, which is very nearly the same as the 2½ per cent. of the previous act; and it allows also to be added to the fund all monies paid for the service of summonses or orders, and for the execution of warrants by the police. It also provides that if the constable be over fifty years of age, he shall be entitled either to the retiring allowance of half pay after a service of fifteen and less than twenty years, or to continue in the service upon an increase to his pay of one-third of its amount. And so also when above the age of fifty, and after a service of twenty years, that he shall be entitled to retire on two-thirds of his pay, or to continue in the service at an increase to his pay of one-half of its amount.

XXIII.—PROVIDING BARRACKS FOR THE MEN.

It would also be very proper that the men, both married and single, should be provided with accommodation at the respective stations to which they belong. Barracks should be constructed, affording a small house to every married man and his family; and a separate bed-room, but a common mess-room, for the unmarried men. How much better this would be than having the men scattered throughout the city. They would then be always on hand, and always to themselves. Nor need the supposed expense of such a scheme prevent it from being carried into effect; for it will be found that by deducting the rent which the men now pay from their salary, there will be a sum very nearly if not quite sufficient to pay the interest upon the capital of the sum which would be required for the purpose of erecting the barracks, and of procuring the necessary quantity of ground; and it is therefore very much to be wished that barracks were furnished for the lodgment of the men.

XXIV.—PROVIDING LIBRARIES FOR THE STATIONS.

It is also very desirable that, after the example of the London constabulary, there should be a Police Library for the use of the men. The original purchase of some interesting, instructive and improving works could not be much, and they might be divided amongst the different stations, and changed from one to the other when necessary: additions when required could also be made to it from time to time. How very different this would make the station-room and even the houses of the men! At present, what can the men on station duty do, but lie about, or trifle their time away?—and this not because they wish to do so, but because they have nothing else to do, and no encouragement is given to them to do anything else. The men would be delighted to have the chance of improving themselves, and it is the duty of those in authority over them to place every reasonable facility in their way for so good a purpose. The selection might be made of such books as in some way related to their own particular service, so that

while gaining amusement and instruction, they would at the same time be rendering themselves better peace officers for the protection of the city.

By adopting these and such like means, the best men could always be obtained, and the character of the force would be raised, till it would be felt to be a credit not only to belong but to have belonged at any time to such a body; but unless some reasonable measures be taken to provide for and encourage the men, and to mitigate as far as possible a very laborious life, the fear is that the best men, whom it is the most desirable to retain, will be the likeliest to leave, and the great object of the public will be defeated, which is to induce the men who have enrolled themselves as policemen to make that service their only business and profession.

XXV.—LIST OF FELONIES.

As the men cannot in general arrest without warrant for offences less than felonies, the following list of felonies has been added for their guidance :

- Abduction of Heiress against her will..... 4 & 5 Vic. c. 27, s. 19.
- Abortion, administering poison with intent to procure..... 4 & 5 Vic. c. 27, s. 13.
- Accusing, or threatening to accuse, any one of beastiality, or of any assault with intent to commit it; or of making or offering any promise or threat to any one to commit or permit such crime, with intent to extort, and shall extort, from such person any property..... 4 & 5 Vic. c. 25, s. 8, and 6 Vic. c. 8, s. 2.
- Accusing, or threatening to accuse; sending or delivering any letter or writing, accusing or threatening to accuse any person of any crime punishable with death or transportation, or of any assault with intent to commit rape, or of any attempt to commit it, with the view of extorting any money, chattel or valuable security..... 4 & 5 Vic. c. 25, s. 12.
- Assault with intent to rob 4 & 5 Vic. c. 25, s. 10.
- Assault on any one aiding in the preservation of any vessel or goods shipwrecked. 6 Vic. c. 5, and 4 & 5 Vic. c. 27, s. 4.

- Bailed, fraudulently taking or converting property 22 Vic. c. 2, s. 4.
- Beastiality..... 4 & 5 Vic. c. 27, s. 15.
- Bigamy, and aiding and abetting same..... 4 & 5 Vic. c. 27, s. 22.
- Burglary..... See 5 & 6 Vic. c. 5, s. 2, and 4 & 5 Vic. c. 25, s. 15
- Burglary shall also consist in entering into a house to commit a felony, or being in the house and committing a felony therein, and in either of these cases breaking out of the house at night..... 4 & 5 Vic. c. 25, s. 16
- (The *night* is between 9 at night and 6 next morning)..... 4 & 5 Vic. c. 25, s. 16.
- Burglariously entering a house and assaulting any one therein with intent to murder, or stabbing, cutting, wounding, beating or striking any one therein 4 & 5 Vic. c. 25, s. 14.
- Breaking and entering the curtilage of a dwelling house and occupied therewith but not a part of it, and stealing therein any chattel, money or valuable security, to the value of £5..... 4 & 5 Vic. c. 25, s. 19.
- Breaking and entering any shop, warehouse, or counting-house, and stealing therein any chattel, money or valuable security..... 4 & 5 Vic. c. 25, s. 20.
- Breaking and entering any church or chapel, and stealing any chattel therein, or, having stolen any chattel in a church or chapel, breaking out of the same... 6 Vic. c. 5, and 4 & 5 Vic. c. 25, s. 13.
- Breaking down the banks of canals, rivers or marsh, or locks, sluices, flood-gates or other works on navigable rivers and canals..... 4 & 5 Vic. c. 26, s. 12.
- Bridges, maliciously destroying public..... 4 & 5 Vic. c. 26, s. 13.
- Cattle, &c., maiming 4 & 5 Vic. c. 26, s. 16.
- Child-stealing, under the age of ten years..... 4 & 5 Vic. c. 27, s. 21.
- Child.—Receiving or harboring any child, under the age of ten years, knowing it to have been stolen, or aiding or abetting same. 4 & 5 Vic. c. 27, s. 21.
- Coin.—The second offence, of falsely making or counterfeiting any coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver

coin, or any of the gold or silver coin made or declared to be lawfully current in the Province 12 Vic. c. 20, s. 1.

Coin.—The second offence, of colouring, gilding or covering with wash any base coin resembling the current coin, or of making, buying and importing into this Province any forged, false or counterfeit coin of the coin current in the Province, or of uttering or attempting to utter the same as payment, knowing the same to be false or counterfeit. 16 Vic. c. 158, s. 13.

Coin, Foreign.—The second offence, of counterfeiting or uttering, although not current here by law 20 Vic. c. 30, s. 1.

The second offence, of making or repairing any tools, moulds, &c., for counterfeiting foreign coins..... 20 Vic. c. 30, s. 2.

The second offence, of knowingly possessing such tools, &c., except for some lawful purpose 20 Vic. c. 30, s. 3.

Demolishing, or beginning to demolish, any church, chapel or meeting-house for religious worship, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn or granary, or any erection used in carrying on any trade or manufacture, or any machinery prepared for or employed in any manufacture..... See 11 Vic. c. 4, and 4 & 5 Vic. c. 26, s. 6.

Destroying silk, woollen, &c., in the loom..... 4 & 5 Vic. c. 26, s. 4.

Destroying threshing and other machines..... 4 & 5 Vic. c. 26, s. 5.

Destroying hop-binds..... 4 & 5 Vic. c. 26, s. 18.

Drug.—Administering or attempting to administer to any person any suffocating or overpowering drug, matter or thing, with intent to enable the offender to commit felony..... 18 Vic. c. 92, s. 29.

Drown.—Attempting to drown, with intent to murder..... 4 & 5 Vic. c. 27, s. 10.

Embezzlement by a clerk or servant..... 4 & 5 Vic. c. 27, s. 39.

Explosive substance.—Sending or throwing destructive matter, with intent to do some grievous bodily harm. 4 & 5 Vic. c. 27, s. 12, and 22 Vic. c. 4, s. 10.

Explosive substance, bodily injury maliciously
done or attempted to be done by any 10 & 11 Vic. c. 4, s. 34.

Forging.—Counterfeiting or uttering, know-
ing the same :

1. The Great Seal of the Province, or of the
late Provinces of Upper or Lower
Canada 10 & 11 Vic. c. 9, s. 1.
2. The Seal at Arms of the Governor to any
commission, grant, appointment, li-
cense, warrant, order, or other instru-
ment of a public nature, relating to
the affairs of the Province, or to any
instrument purporting to be such
commission, &c. 10 & 11 Vic. c. 9, s. 2.

Forging any public register or book appointed
by law to be made or kept, or wilfully cer-
tifying or uttering any writing as used for
a true copy thereof, or of any entry therein,
knowing the same to be counterfeit or false.. 10 & 11 Vic. c. 9, s. 2.

Forging, altering, offering, disposing of, or
putting off, knowing the same to be forged or
altered, with intent to defraud any person :

1. Any debenture issued under the authority
of any statute of this Province, or of
either Upper or Lower Canada.
2. Any stamp, endorsement on, or assign-
ment of any such debenture.
3. Any scrip issued by the Commissioner
of Crown Lands in lieu of a grant of
land.
4. Any will, testament, codicil or testa-
mentary writing.
5. Any license of marriage.
6. Any bank note, bill of exchange, or
promissory note for the payment of
money.
7. Any indorsement on, or any assignment
of, any bill or note for the payment of
money.
8. Any acceptance of any bill of exchange, or
9. Any undertaking, warrant or order for
the payment of money 10 & 11 Vic. c. 9, s. 3.

Forging, altering, putting off, or uttering as true, knowing the same to be forged or altered :

1. Any copy of letters patent, or of the enrolment or registration thereof, and,
2. Any certificate thereof made by virtue of statute..... 10 & 11 Vic. c. 9, s. 5.

Forging, altering, or uttering, knowing the same, with intent to defraud any person :

1. Any transfer of any share or interest of or in the capital stock of any body corporate, company or society, established by charter or by statute.
2. Any power-of-attorney or other authority to transfer any share or interest in such stock.
3. Receiving or demanding, or endeavoring to receive, any dividend or profit in respect of such share or interest, or demanding or endeavoring to have such share or interest transferred, by virtue of any forged or altered power-of-attorney or other authority, knowing the same to be forged or altered.. 10 & 11 Vic. c. 9, s. 6.

Falsely and deceitfully personating :

1. Any owner of any share, interest, dividend or profit, of or in the capital stock of any body corporate, company or society, established by charter or by statute, and thereby transferring or endeavoring to transfer any share or interest of such owner ; or thereby receiving or endeavoring to receive any money due to the owner, as if such person were the true owner.....10 & 11 Vic. c. 9, ss. 6, 7, and 14 & 15 Vic. c. 2, s. 2.
2. Any person having a claim for a grant of land from the Crown, or for any scrip or other payment or allowance in lieu thereof, and thereby endeavoring to obtain any such grant of land, scrip, or other payment or allowance, as if such person were entitled thereto..... 10 & 11 Vic. c. 9, s. 7, and 14 & 15 Vic. c. 2, s. 2.

Forging the name or handwriting of any witness to the execution of any power-of-attorney or other authority to transfer any share or interest of or in the capital stock of any body corporate, company or society, established by charter or by statute 10 & 11 Vic. c. 9, s. 8.

Receiving, under any power-of-attorney or other authority with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, any dividend or profit in respect of any share or interest of or in the capital stock of any body corporate, company or society, established by charter or by statute; or assigning any right to a grant from the Crown of lands in this Province, or to scrip, or other payment or allowance in lieu thereof; or uttering any such power or other authority 11 & 11 Vic. c. 9, s. 8.

Forging, altering, offering, uttering, disposing of, or putting off, knowing the same, and with intent to defraud any person :

1. Any notarial act or instrument or authenticated copy.
2. Any *pochés verbal* of any surveyor, or authenticated copy.
3. Any judicial record, writ, order, return, exhibit, report, certificate, or other document or entry made or filed in any suit or proceeding, civil or criminal, in any court of justice, or with any officer of the court.
4. Any copy or paper, purporting to be an exemplification or authenticated or certified copy of any such judicial record, &c. &c.
5. Any deed, bond, writing obligatory, assignment of a right of land, certificate of registration, affidavit of execution, or any memorial of any deed, will or other instrument which may be registered, or any part thereof.

6. Any acquittance or receipt for money or goods.

7. Any accountable receipt for money or goods, as for a note, bill, or other security for payment of money, or any warrant, order or request for the delivery or transfer of goods, or for the delivery of any note, bill or other security for the payment of money, or contract, promise or agreement 10 & 11 Vic. c. 9, s. 9.

Knowingly and wilfully acknowledging, before any court or person authorized to take it :

1. Any recognizance or bail in the name of another, who is not privy or consenting to it ; or,

2. Any *cognovit actionem*, or judgment, or any deed to be registered or enrolled. 10 & 11 Vic. c. 9, s. 10.

Purchasing or receiving, or having in possession without lawful excuse, and knowing to be forged, any forged bank note, or blank bank note..... 10 & 11 Vic. c. 9, s. 11, and 14 & 15 Vic. c. 2, s. 2.

Engraving or making, without authority :

1. Any bank note, bill of exchange, or promissory note for the payment of money, purporting to be that of any bankers in this Province ; or,

2. Any word or words resembling or intended to resemble any subscription subjoined to any bank note, bill or note issued by such bankers..... 10 & 11 Vic. c. 9, s. 12:

Having possession of, or using without authority or lawful excuse, any plate, wood, stone, or other material, on which any such bank note, bill or note, or any part thereof, or any word or words resembling or intended to resemble any subscription subjoined thereto, has been engraved or made..... .. 10 & 11 Vic. c. 9, s. 12.

Offering, uttering, disposing of, or putting off, knowingly, or having in possession without lawful excuse, any paper, on which any part of such bank note, bill or note, or any words resembling or intended to resemble any such subscription has been made or printed..... 10 & 11 Vic. c. 9, s. 12.

The same law also applies to the bills of exchange, promissory notes, undertakings, or orders for payment of money, whether under seal or not, and in whatever language the same may be, of any country not under her Majesty's dominion, and to having or engraving plates, &c., of the same..... 10 & 11 Vic. c. 9, s. 13.

Forging or uttering, knowingly, and ticket or order for a free or paid passage on any railway, or steamer or other vessel, with intent to defraud 18 Vic. c. 92, s. 37.

Forging, counterfeiting or imitating:

1. Any postage stamp, British, Provincial, or Foreign.
2. Or knowingly using them.
3. Or engraving, cutting, sinking or making any plate, die or other thing, to forge, counterfeit or imitate the same or any part thereof, without permission in writing of the Provincial Postmaster-General, or of some officer who may lawfully grant it.
4. Or having possession of any such plate, die or other thing, without such permission.
5. Or forging, counterfeiting or imitating, using or affixing to or upon any letter or packet any stamp, signature, initials, or other mark or sign, purporting that such letter or packet ought to pass free of postage, or at a lower rate, or that the postage or any part thereof has been pre-paid, or ought to be paid by or charged to any person or department 13 & 14 Vic. c. 17, s. 16.

Forging, altering, offering, uttering, disposing of, or putting off, in this Province, any writing or matter, knowing the same to be forged or altered, in whatever place beyond this Province the same may be made, and whether under the dominion of her Majesty or not, and in whatever language the same may be expressed, shall be an offence in like manner as if made in this Province..... 10 & 11 Vic. c. 9, s. 15.

Principals in the second degree and accessories before the fact, to be punished as principals in the first degree 10 & 11 Vic. c. 9, s. 18.

Gunpowder.—Unlawfully and maliciously, by explosion of same, or of other explosive substance destroying or damaging any building, with intent to murder any person, or whereby life of person is endangered 10 & 11 Vic. c. 4, s. 2.

Gunpowder. — Unlawfully and maliciously, by explosion of same or other explosive substance, destroying, throwing down or damaging the whole or any part of a dwelling house, any person being therein 10 & 11 Vic. c. 4, s. 1.

Infants, abusing, under the age of ten years.. 4 & 5 Vic. c. 27, s. 17.

Killing any horse or other cattle, with intent to steal 4 & 5 Vic. c. 25, s. 29.

Larceny.—Whatever the value of the property stolen, the offence shall be deemed of the same nature 4 & 5 Vic. c. 25, s. 2.

Lights, hanging out false 4 & 5 Vic. c. 26, s. 8.

Manslaughter 4 & 5 Vic. c. 26, s. 7.

Menaces.—Demanding with menaces or by force any chattel, money or security, with intent to steal the same 4 & 5 Vic. c. 25, s. 11.

Murder { 6 Vic. c. 5, s. 2.
14 & 15 Vic. c. 2, s. 2.
4 & 5 Vic. c. 27, s. 3.

Piles, or other material used in securing banks of canals, rivers, marshes or locks, sluices, or flood-gates, removing 4 & 5 Vic. c. 26, s. 12.

Personating bail, falsely entering into recognizances, or any person in name of another knowing or consenting to the same, acknowledging any cognovit or judgment, or any deed, to be registered 10 & 11 Vic. c. 9, s. 10.

Personating, falsely, stockholders 10 & 11 Vic. c. 9, s. 7.

Poison, administering, with intent to murder. 4 & 5 Vic. c. 27, ss. 9, 10.

Rape 4 & 5 Vic. c. 27, s. 16.

Railways.—Maliciously obstructing railways, by putting or throwing upon such any wood, stone, or any other matter or thing,

- or taking up, removing or displacing any rail, sleeper, or other matter or thing belonging to railway; making, showing, hiding or removing, or omitting to make or show, any signal or light upon or near to railways; or doing anything to injure or destroy any engines, carriages or trucks, or to endanger safety of travellers or others on the railway..... 18 Vic. c. 92, s. 32.
18. Railway carriages, maliciously throwing anything against, with intent to injure any person..... 18 Vic. c. 92, s. 33.
- s. 2. Receiving stolen property, when the original stealing is felony..... 4 & 5 Vic. c. 25, s. 46.
- s. 1. 17. Rescue of persons convicted of murder..... 3 Vic. c. 3, s. 4.
29. Rewards.—Corruptly taking rewards, under pretence of helping any one to his property, which has been stolen, unless such party shall cause the offender to be apprehended and tried..... 4 & 5 Vic. c. 25, s. 50.
2. Riot 3 Wm. IV. c. 3.
8. Riots, opposition to peace officers in..... 3 Wm. IV. c. 3, s. 13.
7. Riot Act, not dispersing when read..... 3 Wm. IV. c. 3, s. 13.
- Robbery, attended with cutting..... 4 & 5 Vic. c. 25, s. 6.
11. Robbery, attended with violence 4 & 5 Vic. c. 25, s. 7.
- s. 2. Robbery of any one, or stealing chattel, money or valuable security from the person of another..... 4 & Vic. c. 25, s. 9, and 6 Vic. c. 5, s. 2.
3. Setting fire to stacks of corn..... 18 Vic. c. 92, s. 35.
12. Setting fire to railway stations or goods therein 18 Vic. c. 92, s. 36.
- Setting fire to a dwelling-house, any person being therein..... 4 & 5 Vic. c. 26, s. 2.
- Setting fire to churches, &c., or any house or stable, coach-house, out-house, &c. 4 & 5 Vic. c. 26, s. 3.
10. Setting fire to school-houses, colleges, town halls, &c. 12 Vic. c. 20, s. 3.
- s. 7. 10. Setting fire to ships, to cast away or destroy, either with intent to murder any person or whereby the life of any person is endangered 4 & 5 Vic. c. 26, s. 7.
16. Setting fire to ships, with intent to prejudice owner, underwriter, or goods on board..... 4 & 5 Vic. c. 26, s. 9.

- Setting or attempting to set fire to buildings, stacks, &c., although not successful 10 & 11 Vic. c. 4, s. 7.
- Setting fire to her Majesty's dockyards, ships, &c. &c. 3 Wm. IV. c. 3, s. 14.
- Sodomy 4 & 5 Vic. c. 27, s. 19.
- Shipwreck, impeding the saving of life in case of..... 4 & 5 Vic. c. 26, s. 10.
- Shipwreck, destroying the wreck in case of... 4 & 5 Vic. c. 26, s. 17.
- Stealing passage tickets..... 18 Vic. c. 92, s. 36.
- Stealing in a dwelling-house, with menaces... 4 & 5 Vic. c. 25, s. 17.
- Stealing public or private securities for money, &c. 4 & 5 Vic. c. 25, s. 36.
- Stealing horses 4 & 5 Vic. c. 25, s. 29.
- Stealing any goods in any vessel, or from any dock or wharf 4 & 5 Vic. c. 25, s. 21.
- Stealing or plundering any part of a ship or vessel which is in distress or has been wrecked, or any goods belonging to same... 4 & 5 Vic. c. 25, s. 22.
- Stealing, by clerk or servant, of any chattel, money or valuable security belonging to or in the possession of or power of his master. 4 & 5 Vic. c. 25, s. 38.
- Stealing chattel, money or valuable security, in a dwelling-house, or by menace or threats putting any one therein in bodily fear..... 4 & 5 Vic. c. 25, s. 17, and 6 Vic. c. 5, s. 2.
- Stealing glass, wood or fixtures from buildings, &c. 4 & 5 Vic. c. 25, s. 36.
- Stealing, by tenants and lodgers, from their rooms 4 & 5 Vic. c. 25, s. 37.
- Stolen property.—Taking reward for helping any one to stolen property, without bringing offender to trial 4 & 5 Vic. c. 25, s. 50.
- Stabbing, cutting or wounding, with intent to murder..... 4 & 5 Vic. c. 27, s. 9.
- Shooting at any person, or attempting to discharge any loaded arms at any person, with intent to murder or do some grievous bodily harm, or to resist any lawful apprehension or detainer 4 & 5 Vic. c. 27, ss. 10, 11.
- Suffocating, with intent to murder 4 & 5 Vic. c. 27, s. 10.
- Strangle, attempting to, with intent to murder. 4 & 5 Vic. c. 27, s. 10.

s. 7. Sending or delivering any letter or writing,
demanding with menaces, without any rea-
sonable or probable cause, any chattel,
money or valuable security..... 4 & 5 Vic. c. 25, s. 12.

14. Sending or delivering any letter or writing,
s. 10. accusing or threatening to accuse any one
of any crime punishable with death or trans-
s. 10. portation, or of any assault with intent to
commit rape, or of any attempt to commit
s. 17. it, with a view of extorting any chattel,
3. money or valuable security..... 4 & 5 Vic. c. 25, s. 12.

s. 17. Sending letter, demanding either with mena-
ces or by force any chattel, money or secu-
s. 36. rity, without reasonable or probable cause.. 4 & 5 Vic. c. 25, s. 12.
s. 29.

s. 21.

s. 22.

s. 38.

s. 2.

s. 36.

s. 37.

s. 50.

s. 9.

10,11.

s. 10.

s. 10.

Since writing this sketch, I have been referred to and have seen a very good and useful little work, on the Office and Duties of Constables, edited by the Hon. James Patton, founded upon a charge delivered at Barrie by his Honor Judge Gowan, which may be read with great advantage, as it has evidently been prepared with that care and accuracy which distinguish the proceedings of his Honor.

A. W.

APPENDIX.

EXTRACTS FROM "HOUSEHOLD WORDS."

Reference having been made, at the foot of the Table of Contents, to some excellent articles in *Household Words*, to be read in connection with this work, the publishers think it will be a convenience to the reader to reprint them here. They will be found to be well worthy of perusal, for they are not only instructive but are grounded upon actual observation and enquiry.

A DETECTIVE POLICE PARTY.

The fresh-complexioned, smooth-faced officer with the strange air of simplicity, began, with a rustic smile, and in a soft wheedling tone of voice, to relate the Butcher's Story, thus :

"It's just about six years ago, now, since information was given at Scotland Yard of there being extensive robberies of lawns and silks going on, at some wholesale houses in the City. Directions were given for the business being looked into ; and Straw, and Fendal', and me, we were all in it."

"When you received your instructions," said we, "you went away, and held a sort of Cabinet Council together?"

The smooth-faced officer coaxingly replied, "Ye-es. Just so. We turned it over among ourselves a good deal. It appeared, when we went into it, that the goods were sold by the receivers extraordinarily cheap—much cheaper than they could have been if they had been honestly come by. The receivers were in the trade, and kept capital shops—establishments of the first respectability—one of 'em at the West End, one down in Westminster. After a lot of watching and inquiry, and this and that among ourselves, we found that the job was managed, and the purchases of the stolen goods made at a little public-house near Smithfield, down by Saint Bartholomew's ; where the Warehouse Porters, who were the thieves, took 'em for that purpose, don't you see ? and made appointments to meet the people that went between themselves and the receivers. This public-house was principally used by journeyman butchers from the country, out of place, and in want of situations ; so, what did we do, but—ha, ha, ha !—we agreed that I should be dressed up like a butcher myself, and go and live there !"

Never surely, was a faculty of observation better brought to bear upon a purpose, than that which picked out the officer for the part. Nothing in all creation, could have suited him better. Even while he spoke, he became a greasy, sleepy, shy, good-natured, chuckle-headed, unsuspecting, and confiding young butcher. His very hair seemed to have suet in it, as he made it smooth upon his head, and his fresh complexion to be lubricated by large quantities of animal food.

—"I—ha, ha, ha!" (always with the confiding snigger of the foolish young butcher) "so I dressed myself in the regular way, made up a little bundle of clothes, and went to the public-house, and asked if I could have a lodging there; They says, 'yes, you can have a lodging here,' and I got a bedroom, and settled myself down in the tap. There was a number of people about the place, and coming backwards and forwards to the house; and first one says, and then another says, 'Are you from the country, young man?' 'Yes,' I says, 'I am. I'm come out of Northamptonshire, and I'm quite lonely here, for I don't know London at all, and it is such a mighty big town!' 'It is a big town,' they says. 'Oh, it's a *very* big town!' I says. 'Really and truly I never was in such a town. It quite confuses of me!'—and all that you know.

"When some of the Journeyman Butchers that used the house, found that I wanted a place, they says, 'Oh, we'll get you a place!' And they actually took me to a sight of places in Newgate Market, Newport Market, Clare, Carnaby—I don't know where all. But the wages was—ha, ha, ha!—was not sufficient, and I never could suit myself, don't you see? Some of the queer frequenters of the house, were a little suspicious of me at first, and I was obliged to be very cautious indeed, how I communicated with Straw or Fendall. Sometimes, when I went out, pretending to step and look into the shop windows, and just casting my eye round, I used to see some of 'em following me; but being perhaps better accustomed than they thought for, to that sort of thing, I used to lead 'em on as far as I thought necessary or convenient—sometimes a long way—and then turn sharp round, and meet 'em, and say, 'Oh, dear, how glad I am to come upon you so fortunate! This London's such a place, I'm blowed if I an't lost again!' And then we'd go back all together, to the public-house, and—ha, ha, ha! and smoke our pipes, don't you see?

"They were very attentive to me, I am sure. It was a common thing, while I was living there, for some of 'em to take me out, and show me London. They showed me the Prisons—showed me Newgate—and when they showed me Newgate, I stops at the place where the Porters pitch their loads, and says, 'Oh dear,' 'is this where they hang the men! Oh Lor!' 'That!' they says, 'what a simple cove he is! *That* an't it!' And then, they pointed out which *was* it, and I says 'Lor!' and they says, 'Now you'll know it agen, won't you!' And I said I thought I should if I tr'ed hard—and I as-ure you I kept a sharp look out for the City Police when we were out in this way, for if any of 'em had happened to know me, and had spoke to me, it would have been all up in a minute. However by good luck such a thing never happened, and all went on quiet: though the difficulties I had in communicating with my brother officers were quite extraordinary.

"The stolen goods that were brought to the public-house, by the Warehouse Porters, were always disposed of in a back parlor. For a long time, I never could get into this parlor, or see what was done there. As I sat smoking my pipe, like an innocent young chap, by the tap-room fire, I'd hear some of the parties to the robbery, as they came in and out, say softly to the landlord, 'Who's that? What does *he* do here?' 'Bless your soul,' says the landord, 'He's only a'—ha, ha, ha!—'he's only a green young fellow from the country, as is looking for a butcher's sitiuation. Don't mind *him*!' So, in course of time, they were so convinced of my being green, and got to be so accustomed to me, that I was as free of the parlor as any of 'em, and I have seen as much as Seventy Pounds worth of fine lawn sold there in one night, that was stolen from a warehouse in Friday Street. After the sale, the buyers alway stood treat—hot supper, or dinner, or what not—and they'd say on those occasions 'Come on, Butcher! Put your best leg foremost, young'un, and walk into it!' Which I used to do—and hear, at table, all manner of particulars that it was very important for us Detectives to know.

"This went on for ten weeks. I lived in the public house all the time, and never was out of the Butcher's dress except in bed. At last, when I had followed seven of the thieves, and set 'em to rights—that's an expression of ours, don't you see, by which I mean to say that I traced 'em, and found out where the robberies were done and all about 'em—Straw, and Fendall, and I, gave one another the office, and at a time agreed upon, a descent was made upon the public-house, and the apprehensions effected. One of the first things the officers did, was to collar me—for the parties to the robbery weren't to suppose yet, that I was anything but a butcher—on which the landlord cries out, 'Don't take *him*,' he says, 'whatever you do! He's only a poor young chap from the country, and butter wouldn't melt in his mouth!' However, the—ha, ha, ha!—they took me, and pretended to search my bedroom, where nothing was found but an old fiddle belonging to the landlord, that had got there somehow or another. But, it entirely changed the landord's opinion, for when it was produced, he says 'My fiddle! The Butcher's a pur-loiner! I give him into custody for the robbery of a musical instrument!'

"The man that had stolen the goods in Friday Street was not taken yet. He had told me, in confidence, that he had his suspicions there was something wrong (on account of the City Police having captured one of the party,) and that he was going to make himself scarce. I asked him, 'Where do you mean to go, Mr. Shepherdson?' 'Why Butcher,' says he, 'the Setting Moon, in the Commercial Road, is a snug house, and I shall hang out there for a time. I shall call myself Simpson, which appears to me to be a modest sort of a name. Perhaps you'll give us a look in, Butcher?' 'Well,' says I, 'I think I *will* give you a call—which I fully intended, don't you see, because, of course he was to be taken! I went over to the Setting Moon next day, with a brother officer, and asked at the bar for Simpson. They pointed out his room, upstairs. As we were going up he looks down, over the bannisters, and calls out, 'Halloa, Butcher! is that you?' 'Yes, it's me. How do you find yourself?' 'Bobbish,' he says;

'but who's that with you? 'It's only a young man, that's a friend of mine,' I says. 'Come along, then,' says he; any friend of the Butcher's is as welcome as the Butcher!' So, I made my friend acquainted with him, and we took him into custody.

"You have no idea, Sir, what a sight it was, in Court, when they first knew that I wasn't a Butcher, after all! I wasn't produced at the first examination, when there was a remand; but I was at the second. And when I stepped into the box, in full police uniform, and the whole party saw how they had been done, actually a groan of horror and dismay proceeded from 'em in the dock!

"At the Old Bailey, when their trials came on, Mr. Clarkson was engaged for the defence, and he *couldn't* make out how it was, about the Butcher. He thought, all along, it was a real Butcher. When the counsel for the prosecution said, 'I will now call before you gentlemen, the Police-officer,' meaning myself, Mr. Clarkson says, 'Why Police-officer? Why more Police-officers? I don't want Police. We have had a great deal too much of the Police. I want the Butcher! However, Sir, he had the Butcher and the Police-officer, both in one, Out of seven prisoners committed for trial, five were found guilty, and some of 'em were transported. The respectable firm at the West End got a term of imprisonment; and that's the Butcher's Story!"

The story done, the chuckle-headed Butcher again resolved himself into the smooth-faced Detective. But he was so extremely tickled by their having taken him about, when he was that Dragon in disguise, to show him London, that he could not help reverting to that point in his narrative; and gently repeating, with the Butcher snigger, "'Oh dear!' I says, 'is that where they hang the men? Oh, Lor!' 'That!' says the . . . 'What a simple cove he is!'"

It being now late, and the party very modest in their fear of being too diffuse, there were some tokens of separation; when Sergeant Dornton, the Soldierly-looking man, said, looking round him with a smile:

"Before we break up, Sir, perhaps you might have some amusement in hearing of the Adventures of a Carpet Bag. They are very short; and I think, curious."

We welcomed the Carpet Bag, as cordially as Mr. Shepherdson welcomed the false Butcher at the Setting Moon, Sergeant Dornton proceeded:

"In 1847, I was despatched to Chatham, in search of one Mesheck, a Jew. He had been carrying on, pretty heavily, in the bill-stealing way, getting acceptances from young men of good connexions (in the army chiefly,) on pretence of discount, and bolting with the same.

"Mesheck was off, before I got to Chatham. All I could learn about him was, that he had gone, probably to London, and had with him a—Carpet Bag.

"I came back to town, by the last train from Blackwall, and made inquiries concerning a Jew passenger with—a Carpet Bag.

"The office was shut up, it being the last train. There were only two or three porters left. Looking after a Jew with a Carpet Bag, on the Blackwall Railway, which was then the high road to a great Military Depôt, was worse than looking after a needle in a hay rick. But it happened that one of these

porters had carried, for a certain Jew, to a certain public-house, a certain—Carpet Bag.

“I went to the public-house, but the Jew had only left his luggage there for a few hours, and had called for it in a cab, and taken it away. I put such questions there, and to porter, as I thought prudent, and got at this description of—the Carpet Bag.

“It was a bag which had, on one side of it, worked in worsted, a green parrot on a stand. A green parrot on a stand was the means by which to identify that—Carpet Bag.

“I traced Mesheck, by means of this green parrot on a stand, to Cheltenham, to Birmingham, to Liverpool, to the Atlantic Ocean. At Liverpool, he was too many for me. He had gone to the United States, and I gave up all thoughts of Mesheck, and likewise of his—Carpet Bag.

“Many months afterwards—near a year afterwards—there was a Bank in Ireland robbed of seven thousand pounds, by a person of the name of Doctor Dundey, who escaped to America; from which country some of the stolen notes came home. He was supposed to have bought a farm in New Jersey. Under proper management, that estate could be seized and sold, for the benefit of the parties he had defrauded. I was sent off to America for this purpose.

“I landed at Boston. I went on to New York. I found that he had lately changed New York paper-money for New Jersey paper-money, and had banked cash in New Brunswick. To take this Doctor Dundey, it was necessary to entrap him into the State of New York, which required a deal of artifice and trouble. At one time he couldn't be drawn into an appointment. At another time, he appointed to come to meet me, and a New York officer, on a pretext I made; and then his children had the measles. At last, he came, per steamboat and I took him, and lodged him in a New York Prison, called the Tombs; which I dare say you know, Sir?”

Editorial acknowledgment to that effect.

“I went to the Tombs, on the morning after his capture, to attend the examination before the magistrate. I was passing through the magistrate's private room, when, happening to look round me to take notice of the place, as we generally have a habit of doing, I clapped my eyes, in one corner, on a—Carpet Bag.

“What did I see upon that Carpet Bag, if you'll believe me, but a green parrot on a stand, as large as life!

“That Carpet Bag, with the representation of a green parrot on a stand, said I, ‘belongs to an English Jew, named Aaron Mesheck, and to no other man, alive or dead!’

“I give you my word the New York Police officers were doubled up with surprise.

“How do you ever come to know that?” said they.

“I think I ought to know that green parrot by this time,” said I; ‘for I have had as pretty a dance after that bird, at home, as ever I had, in all my life!’

“And *was* it Mesheck's?” we submissively enquired.

"Was it, Sir? Of course it was? He was in custody for another offence, in that very identical Tombs, at that very identical time. And more than that! Some memoranda, relating to the fraud for which I had vainly endeavoured to take him, were found to be, at that moment, lying in that very same individual—Carpet Bag!"

Such are the curious coincidences and such is the peculiar ability, always sharpening and being improved by practice, and always adapting itself to every variety of circumstances, and opposing itself to every new device that perverted ingenuity can invent, for which this important social branch of the public service is remarkable! For ever on the watch, with their wits stretched to the utmost, these officers have from day to day and year to year, to set themselves against every novelty of trickery and dexterity that the combined imaginations of all the lawless rascals in England can devise, and to keep pace with every such invention that comes out. In the Courts of Justice, the materials of thousands of such stories as we have narrated—often elevated into the marvellous and romantic, by the circumstances of the case—are dryly compressed into the set phrase, "in consequence of information I received, I did so and so." Suspicion was to be directed, by careful inference and deduction, upon the right person; the right person was to be taken, wherever he had gone, or whatever he was doing to avoid detection; he is taken; there he is at the bar; that is enough. From information I, the officer, received, I did it; and according to the custom in these cases, I say no more.

These games of chess, played with live pieces, are played before small audiences, and are chronicled nowhere. The interest of the game supports the player. Its results are enough for Justice. To compare great things with small, suppose LEVERRIER or ADAMS informing the public that from information he had received he had discovered a new planet; or COLUMBUS informing the public of his day that from information he had received, he had discovered a new continent; so the Detectives inform that they have discovered a new fraud or an old offender, and the process is unknown.

Thus at midnight, closed the proceedings of our curious and interesting party. But one other circumstance finally wound up the evening, after our Detective guests had left us. One of the sharpest among them, and the officer best acquainted with the Swell Mob, had his pocket picked, going home!

THREE "DETECTIVE" ANECDOTES.

I.—THE PAIR OF GLOVES.

"It's a singular story, Sir," said Inspector Wield, of the Detective Police, who, in company with Sergeants Dornton and Mith, paid us another twilight visit, one July evening; "and I've been thinking you might like to know it.

"It's concerning the murder of the young woman, Eliza Grimwood, some years ago, over in the Waterloo Road. She was commonly called The Countess, because

of her handsome appearance, and her proud way of carrying of herself; and when I saw the poor Countess (I had known her well to speak to), lying dead, with her throat cut, on the floor of her bedroom, you'll believe me that a variety of reflections calculated to make a man rather low in his spirits, came into my head.

"That's neither here nor there. I went to the house the morning after the murder, and examined the body, and made a general observation of the bedroom where it was. Turning down the pillow of the bed with my hand, I found, underneath it, a pair of gloves. A pair of gentleman's dress gloves, very dirty; and inside the lining, the letters TR, and a cross.

"Well, Sir, I took them gloves away, and I showed 'em to the Magistrate, over at Union Hall, before whom the case was. He says, 'Wield,' he says, 'there's no doubt this is a discovery that may lead to something very important; and what you have got to do, Wield, is, to find out the owner of these gloves.'

"I was of the same opinion, of course, and I went at it immediately. I looked at the gloves pretty narrowly, and it was my opinion that they had been cleaned. There was a smell of sulphur and rosin about 'em, you know, which cleaned gloves usually have, more or less. I took 'em over to a friend of mine at Kennington, who was in that line, and I put it to him. 'What do you say now? Have these gloves been cleaned?' 'These gloves have been cleaned,' says he. 'Have you any idea who cleaned them?' says I. 'Not at all,' says he; 'I've a very distinct idea who *didn't* clean 'em, and that's myself. But I'll tell you what, Wield, there ain't above eight or nine reg'lar glove cleaners in London,—there were not, at that time, it seems—' and I think I can give you their addresses, and you may find out, by that means, who did clean 'em.' Accordingly, he gave me the directions, and I went here, and I went there, and I looked up this man, and I looked up that man; but though they all agreed, that the gloves had been cleaned, I couldn't find the man, woman, or child, that had cleaned that aforesaid pair of gloves.

"What with this person not being at home, and that person being expected home in the afternoon, and so forth, the inquiry took me three days. On the evening of the third day, coming over Waterloo Bridge from the Surrey side of the river, quite beat, and very much vexed and disappointed, I thought I'd have a shilling's worth of entertainment at the Lyceum Theatre to freshen myself up. So I went into the Pit, at half-price, and I sat myself down next to a very quiet, modest sort of young man. Seeing I was a stranger (which I thought it just as well to appear to be) he told me the names of the actors on the stage, and we got into conversation. When the play was over, we came out together, and I said, 'We've been very companionable and agreeable, and perhaps you wouldn't object to a drain?' 'Well, you're very good,' says he; 'I *shouldn't* object to a drain.' According, we went to a public house, near the Theatre, sat ourselves down in a quiet room upstairs on the first floor, and called for a pint of half-and-half, a-piece, and a pipe.

"Well, Sir, we put our pipes aboard, and we drank our half-and-half, and

sat a talking, very sociably, when the young man says, 'You must excuse me stopping very long,' he says, 'because I'm forced to go home in good time. I must be at work all night.' At work all night? says I. 'You ain't a Baker?' 'No,' he says, laughing, I ain't a baker.' 'I thought not,' says I, 'you haven't the looks of a baker.' 'No,' says he, 'I'm a glove-cleaner.'

"I never was more astonished in my life, than when I heard them words come out of his lips. 'You're a glove cleaner, are you?' says I. 'Yes,' he says, 'I am.' 'Then, perhaps,' says I, taking the gloves out of my pocket, 'you can tell me who cleaned this pair of gloves? It's a rum story,' I says. 'I was dining over at Lambeth, the other day, at a free-and-easy—quite promiscuous—with a public company—when some gentleman, he left these gloves behind him? Another gentleman and me, you see, we laid a wager of a sovereign, that I wouldn't find out who they belong to. I've spent as much as seven shillings already in trying to discover; but, if you could help me, I'd stand another seven and welcome. You see there's *Tn* and a cross, inside.' 'I see,' he says. 'Bless you, I know these gloves very well! I've seen dozens of pairs belonging to the same party.' 'No?' says I. 'Yes,' says he. 'Then you know who cleaned 'em?' says I. 'Rather so,' says he. 'My father cleaned 'em.'

"'Where does your father live?' says I. 'Just round the corner,' says the young man, 'near Exeter Street, here. He'll tell you who they belong to, directly.' 'Would you come round with me now?' says I. 'Certainly,' says he, but you needn't tell my father that you found me at the play, you know, because he mightn't like it.' 'All right!' We went round to the place, and there we found an old man in a white apron, with two or three daughters, all rubbing and cleaning away at lots of gloves, in a front parlour. 'Oh, Father!' says the young man, 'here's a person been and made a bet about the ownership of a pair of gloves, and I've told him you can settle it.' 'Good evening, Sir, says I to the old gentleman. 'Here's the gloves your son speaks of. Letters *Tn*, you see, and a cross.' 'Oh yes,' he says, 'I know these gloves very well; I've cleaned dozens of pairs of 'em. They belong to Mr. Trinkle, the great upholsterer in Cheap-side. 'Did you get 'em from Mr. Trinkle, direct,' says I, 'if you'll excuse my asking the question?' 'No,' says he; 'Mr. Trinkle always sends 'em to Mr. Phibb's, the haberdasher's opposite his shop, and the haberdasher sends 'em to me.' 'Perhaps *you* wouldn't object to a drain?' says I. 'Not in the least!' says he. So took the old gentleman out, and had a little more talk with him and his son, over a glass, and we parted excellent friends.

"This was late on a Saturday night. First thing on the Monday morning, I went to the haberdasher's shop, opposite Mr. Trinkle's the great upholsterer's in Cheap-side. 'Mr. Phibbs in the way?' 'My name is Phibbs.' 'Oh! I believe you sent this pair of gloves to be cleaned?' 'Yes, I did, for young Mr. Trinkle over the way. There he is, in the shop!' 'Oh! that's him in the shop, is it? Him in the green coat?' 'The same individual.' 'Well, Mr. Phibbs, this is an unpleasant affair; but the fact is, I am Inspector Wield of the Detective Police, and I found these gloves under the pillow of the young woman that was

murdered the other day, over in the Waterloo road?" 'Good Heaven!' says he. 'He's a most respectable young man, and if his father was to hear of it, it would be the ruin of him!' 'I'm very sorry for it,' says I, 'but I must take him into custody.' 'Good Heaven!' says Mr. Phibbs, again; 'can nothing be done?' 'Nothing says I. 'Will you allow me to call him over here,' says he, 'that his father may not see it done?' 'I don't object to that,' says I; 'but unfortunately Mr. Phibbs, I can't allow of any communication between you. If any was attempted, I should have to interfere directly. Perhaps you'll beckon him over here? Mr. Phibbs went to the door and beckoned, and the young fellow came across the street directly; a smart, brisk young fellow.

"'Good morning, Sir,' says I. 'Good morning, Sir,' says he. 'Would you allow me to enquire, Sir, says I, 'if you ever had any acquaintance with a party of the name of Grimwood?' 'Grimwood! Grimwood!' says he, 'No! 'You know the Waterloo Road?' 'Oh! of course I know the Waterloo Road!' 'Happen to have heard of a young woman being murdered there?' 'Yes, I read it in the paper, and very sorry I was to read it.' 'Here's a pair of gloves belonging to you, that I found under her pillow the morning afterwards!'

"He was in a dreadful state, Sir; a dreadful state! 'Mr. Wield,' he says, 'upon my solemn oath I never was there. I never so much as saw her to my knowledge, in my life!' 'I am very sorry,' says I. 'To tell you the truth; I don't think you *are* the murderer, but I must take you to the Union Hall in a cab. However, I think it's a case of that sort, that, at present, at all events, the magistrate will hear it in private.'

A private examination took place, and then it came out that this young man was acquainted with a cousin of the unfortunate Eliza Grimwood, and that, calling to see this cousin a day or two before the murder, he left these gloves upon the table. Who should come in, shortly afterwards but Eliza Grimwood! 'Whose gloves are these?' she says, taking 'em up. 'Those are Mr. Trinkle's gloves,' says her cousin. 'Oh!' says she, 'they are very dirty, and of no use to him, I am sure. I shall take 'em away for my girl to clean the stoves with.' And she put 'em in her pocket. The girl had used 'em to clean the stoves, and, have no doubt, had left 'em lying on the bed-room mantel-piece, or on the dresser, or somewhere; and her mistress, looking round to see that the room was tidy, had caught 'em up and put 'em under the pillow where I found 'em.

That's the story, Sir.

II.—THE ARTFUL TOUCH.

"One of the most *beautiful* things that ever was done, perhaps," said Inspector Wield, emphasising the adjective, as preparing us to expect dexterity or ingenuity rather than strong interest, "was a move of Sergeant Witchem's. It was a lovely idea!

"Witchem and me were down at Epsom one Derby Day, waiting at the station for the Swell Mob. As I mentioned, when we were talking about these things before we are ready at the station when there's races, or an Agricultural Show, or a Chancellor sworn in for an university, or Jenny Lind, or any thing of that

sort; and as the Swell Mob come down, we send 'em back by the next train. But some of the Swell Mob, on the occasion of this Derby that I refer to, so far kiddied us as to hire a horse and shay; start away from London by White-chapel, and miles round come into Epsom from the opposite direction; and go to work, right and left, on the course, while we were waiting for 'em at the Rail. That, however, ain't the point of what I'm going to tell you.

"While Witchem and me were waiting at the station, there comes up one Mr. Tatt; a gentleman formerly in the public line, quite an amateur Detective in his way, and very much respected. 'Halloa, Charley Wield,' he says. 'What are you doing here? On the look out for some of your old friends?' 'Yes, the old move, Mr. Tatt.' 'Come along,' he says, 'you and Witchem, and have a glass of sherry.' 'We can't stir from the place,' says I, 'till the next train comes in; but after that we will with pleasure.' Mr. Tatt waits, and the train comes in, and then Witchem and me go off with him to the Hotel. Mr. Tatt, he's got up quite regardless of expense, for the occasion; and in his shirt-front there is a beautiful diamond prop, cost him fifteen or twenty pound—a very handsome pin indeed. We drink our sherry at the bar, and have out three or four glasses, when Witchem cries, suddenly, 'Look out, Mr. Wield! stand fast!' and a dash is made into the place by the swell mob—four of 'em—that have come down as I tell you, and in a moment Mr. Tatt's prop is gone! Witchem, he cuts 'em off at the door, I lay about me as hard as I can, Mr. Tatt shows fight like a good 'un, and there we are, all down together, heads and heels, knocking about on the floor of the bar—perhaps you never see such a scene of confusion! However, we stick to our men (Mr. Tatt being as good as any officer), and we take 'em all, and carry 'em off to the station. The station's full of people, who have been took on the course; and it's a precious piece of work to get 'em secured. However, we do it at last, and we search 'em; but nothing's found upon 'em, and they're locked up; and a pretty state of heat we are in by that time, I assure you!

"I was very blank over it, myself, to think that the prop had been passed away; and I said to Witchem, when he had set 'em to rights, and were cooling ourselves along with this Mr. Tatt, 'we don't take much by *this* move, anyway, for nothing's found upon 'em, and it's only the braggadocia* after all.' 'What do you mean, Mr. Wield?' says Witchem. 'Here's the diamond pin!' and in the palm of his hand there it was, safe and sound! 'Why, in the name of wonder, says me and Mr. Tatt, in astonishment, 'how did you come by that?' 'I'll tell you how I come by it,' says he. 'I saw which of 'em took it; and when we were all down on the floor together, knocking about, I just gave him a little touch on the back of his hand, as I knew his pal would; and he thought it was his pal; and gave it me!' It was beautiful, beau-ti-ful!

"Even that was hardly the best of the case, for that chap was tried at the Quarter Sessions at Guildford. You know what Quarter Sessions are, Sir. Well, if you'll believe me, while them slow justices were looking over the Acts of

* Three months' imprisonment as reputed thieves.

Parliament, to see what they could do to him, I'm blowed if he didn't cut out of the dock before their faces! He cut out of the dock, Sir, then and there; swam across a river; and got up into a tree to dry himself. In the tree he was took—an old woman having seen him climb up—and Witchem's artful touch transported him!

III.—THE SOFA.

"What young men will do, sometimes, to ruin themselves and break their friends' hearts," said Serjeant Dornton, "it's surprising! I had a case at Saint Blank's Hospital which was of this sort. A bad case, indeed, with a bad end!

"The Secretary, and the House-Surgeon, and the Treasurer, of Saint Blank's Hospital, came to Scotland Yard to give information of numerous robberies having been committed on the students. The students could leave nothing in the pockets of their great-coats, while the great-coats were hanging at the Hospital, but it was almost certain to be stolen. Property of various descriptions was constantly being lost; and the gentlemen were naturally uneasy about it, and anxious, for the credit of the Institution, that the thief or thieves should be discovered. The case was entrusted to me, and I went to the Hospital.

"'Now, gentlemen,' said I, after we had talked it over; 'I understand this property is usually lost from one room.'

"Yes, they said. It was.

"'I should wish, if you please,' said I, 'to see that room.'

"It was a good-sized bare room downstairs, with a few tables and forms in it, and a row of pegs, all round, for hats and coats. -

"'Next, gentlemen,' said I, 'do you suspect anybody?'

"Yes, they said. They did suspect somebody. They were sorry to say, they suspected one of the porters.

"'I should like,' said I, 'to have the man pointed out to me, and to have a little time to look after him.'

"He was pointed out, and I looked after him, and then I went back to the Hospital, and said, 'Now, gentlemen, it's not the porter. He's unfortunately for himself, a little too fond of drink, but he's nothing worse. My suspicion is, that these robberies are committed by one of the students; and if you'll put me a sofa into that room where the pegs are—as there's no closet—I think I shall be able to detect the thief. I wish the sofa, if you please, to be covered with chintz, or something of that sort, so that I may lie on my chest, underneath it, without being seen.'

"The sofa was provided, and next day at eleven o'clock, before any of the students came, I went there, with those gentlemen, to get underneath it. It turned out to be one of those old-fashioned sofas with a great cross beam at the bottom, that would have broken my back in no time if I could have got below it. We had quite a job to break all this away in the time; however, I fell to work, and they fell to work, and we broke it out, and made a clear place for me. I got under the sofa, lay down on my chest, took out my knife, and made a convenient hole in the chintz to look through. It was then settled between me and

the gentlemen that when the students were all up in the wards, one of the gentlemen should come in, and hang up a great-coat on one of the pegs. And that that great-coat should have, in one of the pockets, a pocket-book containing marked money.

"After I had been there some time, the students began to drop into the room, by ones, and twos, and threes, and to talk about all sorts of things, little thinking there was anybody under the sofa—and then to go up stairs. At last there came in one who remained until he was alone in the room by himself. A tallish good-looking young man of one or two and twenty, with a light whisker. He went to a particular hat-peg, took off a good hat that was hanging there, tried it on, hung his own hat in its place, and hung that hat on another peg, nearly opposite to me. I then felt quite certain that he was the thief, and would come back by-and-by.

"When they were all up-stairs, the gentleman came in with the great-coat. I showed him where to hang it, so that I might have a good view of it; and he went away; and I lay under the sofa on my chest, for a couple of hours or so, waiting.

"At last, the same young man came down. He walked across the room, whistling—stopped and listened—took another walk and whistled—stopped again and listened—then began to go regularly round the pegs, feeling in the pockets of the coats. When he came to THE great-coat, and felt the pocket-book, he was so eager and so hurried that he broke the strap in tearing it open. As he began to put the money in his pocket, I crawled out from under the sofa, and his eyes met mine.

"My face, as you may perceive, is brown now, but it was pale at that time, my health not being good; and looked as long as a horse's. Besides which, there was a great draught of air from the door, underneath the sofa, and I had tied a handkerchief round my head; so what I looked like, altogether, I don't know. He turned blue—literally blue—when he saw me crawling out, and I couldn't feel surprised at it.

"‘I am an officer of the Detective Police,’ ‘and have been lying here, since you first came in this morning. I regret, for the sake of yourself and your friends, that you should have done what you have; but this case is complete. You have the pocket-book in your hand and the money upon you; and I must take you into custody!’

"‘It was impossible to make out any case in his behalf, and on his trial he pleaded guilty. How or when he got the means I don't know; but while he was awaiting his sentence, he poisoned himself in Newgate.’

We inquired of this officer on the conclusion of the foregoing anecdote, whether time appeared long, or short, when he lay in that constrained position under the sofa?

"‘Why, you see, Sir,’ he replied, ‘if he hadn't come in, the first time, and I had not been quite sure he was the thief, and would return, the time would have seemed long. But, as it was, I being dead-certain of my man, the time seemed pretty short.’”

SPY POLICE.

We have already given some insight into the workings of the Detective Police system of London, and have found that it is solely employed in bringing crime to justice. We have no political police, no police over opinion. The most rabid demagogue can *say* in this free country what he chooses, provided it does not tend to incite others to *do* what is annoying to the lieges. He speaks not under the terror of an organised spy system. He dreads not to discuss the affairs of the nation at a tavern, lest the waiter should be a policeman in disguise; he can converse familiarly with his guests at his own table without suspecting that the interior of his own liveries consists of a spy; when travelling, he has not the slightest fear of perpetual imprisonment for declaring himself freely on the conduct of the powers that be, because he knows that even if his fellow-passenger be a Sergeant Myth or an Inspector Wield, no harm will come to him.

It is not so across the Channel. There, while the criminal police is very defective, the police of politics is all powerful. In March last, thirty thousand political malcontents were swept beyond the gates of Paris in a single morning, before the rest of the people were up; and nobody was any the wiser till the masterly feat had been performed; but during the same month several single individuals were knocked down and robbed—some in broad day, others at dusk—yet neither of the robbers were taken. In Austria, in some of the German states, and in Italy, political *espionage* is carried to a point of refined ingenuity of which no Englishman can form an idea. Mr. Tomkins goes, for instance, to Naples; and—as the Emperor of Russia might have enlarged on the happiness and prosperity of that city after his recent visit to it, because the streets were cleared of beggars, the cabmen compelled to dress in their best, and the fishermen to wear shoes—so in “Travels in Italy,” which Mr. Tomkins would undoubtedly publish, there would not be a word about the police spy system; because he, innocent man, was unable to detect in his table companions, in his courier, or in his laundress, an agent of police. It is now our purpose to supply from the authentic information of a resident in Naples, the hiatus to be found in all the books of all the Mr. Tomkinsees who have written “Travels.”

The chief agent is the Commissary, who says our friend, has a certain district put under his care, and is thus made responsible for its order and fidelity; he is a kind of nursing father, in short, to the unhappy inhabitants, with power to ruin or destroy; for though he nominally receives his orders from the Minister of Police, yet, as the cant phrase is, his office is eminently “suggestive;” and whether a suspicion is to be cleared up, an act of vengeance to be perpetrated, or some object of interest or licentiousness to be attained, the report of the Commissary supplies all the data for the operations at head-quarters.

Immediately under his orders this General of Division has both regular and irregular troops, the former being the Policemen of the City; the latter simply Spies. When any long course of inquiry is to be carried out, he employs deputies, who bring in their intelligence from time to time; but if any immediate or important information is desired, the Commissary undertakes that little bit o

business himself—it is a delicate *morceau* which this gourmand cannot resist, and away he posts to enjoy the banquet.

Some years ago, there resided in the neighbourhood of Naples a foreigner, whose health compelled him to seek a southern climate. His tastes and occupations were literary and his habits quiet; but whether he had some secret enemy who had denounced him, or whether the Government were afraid of him, because he read and wrote, I know not; but one fine morning the little town was much agitated by the appearance of a Commissary of Police and his attendant “Sbirri.” Many were the conjectures—as is always the case under such circumstances—as to what could be the object of this visitation. No one took it to himself; but as in a church each good Christian lolls in his corner and admires the applicability of the sermon to his neighbour in the next pew; so every little townsman knew precisely the person who merited the inspection of the Police. Don Roberto was sure that the visit was meant for his mortal enemy, Don Giuseppe; whereas the master of the favourite “Cantino” was equally sure that it must be for his rival who sold such acid wine, and permitted scenes in his shop enough to awaken the anger of the Saints. He always thought he was a Carbonaro!

The Commissary, on his arrival, sent for the Syndic.

“Pray, Signor Syndic,” he said, “is there a foreigner residing here, called Don Ferdinand?” (every one is Don, in Naples.)

“Yes!” was the reply.

“And pray, Sir, what is the object of his residence here?”

“I understand, Signor Commissario, that he is in search of health and amusement.”

“Ah! very good: health and amusement. And what may be his occupations?”

“They do say, Sir, that he is engaged much in reading and writing.”

“Reading and writing! Yet in search of health and amusement,” said the official, opening his eyes. “That’s a curious combination; but tell me has Don Ferdinand any intercourse with the inhabitants? does he ever invite any of them to dinner?”

“I must confess,” said the Syndic, “that he does.”

“Then it is true, that Don Ferdinand proposes toasts after dinner?”

“Well,” replied the Syndic, as if such an admission would be fraught with danger; “I cannot deny it—he *does* propose toasts.”

“What are they?” asked the great official, sharply.

“His usual practice is, first, to propose the health of our Sovereign Lord the King, and then the health of *his* Sovereign Lady the Queen.”

Not without disappointment at having made out nothing serious against Don Ferdinand, our Commissary dismissed the Syndic, merely observing that he had taken note of all his answers, and should draw up his report therefrom, and present it to the Minister of Police.

After that, the Commissary of Police came twice to my friend’s residence, and put a number of searching questions to his porter. Nothing, however, came of these investigations; first, because there was nothing really alarming

in the fact of a man reading and writing, and giving toasts; and, secondly, and perhaps more strongly, because Don Ferdinand was an Englishman; for there is a prestige attaching to the very name of an Englishman which attracts to him the respect of the people and a cautious deferential treatment on the part of the Governments. It is felt, that, however distant he may be from his native land, he is not beyond its protective power, and that any injustice done to him will be resented as an injustice done to the nation. It is this conviction which has been his security in circumstances where I have known the subjects of other States arrested, imprisoned, or sent out of the country without receiving the protection of their Governments.

The Commissary is eminently a night-bird; sometimes you see him with "measured step and slow," followed by his myrmidons, stealing along under the dark shadows of the houses, like a cat treading; or, perchance, you are returning home through the silent streets, carelessly and thoughtlessly, when, at some dark corner you find yourself confronted by this spectre. He listens for and pauses at every foot-fall, waits about in entries, stops at doors, watches the lights in houses, and, like a true inductive philosopher, from such simple facts—as seeing two or three lights, more or less, or a larger group of heads than usual, infers conspiracies most dreadful and dangerous to the State. Presently a Commissary is seen bustling along with his attendants, with a quick and eager step. He is not on a mission of inspection—oh, no—that cheerful promptitude indicates that game's a-foot, and that something is to be done. And now he stops before a house and knocks aloud—"Who is there?"—demands some one from within. "Open in the name of the law!" is the reply. What consternation do these words create; lights are gleaming and people are hurrying backwards and forwards, but the knocking continues and becomes louder, and the door is opened, and the unfortunate master of the house is dragged from his bed to be plunged into the dungeons of the Vicaria. His neighbour, luckier than he, had timely notice of the honour intended him by the Commissary; and escaping over the roof of his house, was enabled to get on board some friendly vessel. Their crime you ask? That of hundreds of others who are eating the bread of penury in exile, or pining in loathsome dungeons—they had taken part in the movements which preceded the publication of the "Constitution" (yet an article of that "Constitution" says, that "a veil of oblivion shall rest upon the past"). They had, in short, assisted in the development of a Constitution which I saw the Majesty of Naples, swear on the Gospels to observe.

I know no better type than certain noxious insects for myrmidons of the Commissary—the Police Spies of the South of Italy. Their multitude, their ubiquity, their unwearied perseverance, their sharp sting, make them worse than the whole insect tribe united, and infinitely more dangerous. You may crush the wasp, or smoke the mosquito, or brush away the ant, and get some intervals of repose in spite of renewed attacks; they give you, too, some warning signs of their approach—but the Police Spy is invisible and never out of hearing; whether you are relaxing in frank and thoughtless merriment or abandoning yourself to the

sweet and delicious dreams of friendship; in the market or the street—the drawing-room—the *café*—or the church—there he is: “A chiel’s amang ye taking notes, and ‘faith he’ll prent it!” They reconnoitre the ground in various detachments for the Commissary, and report the movements, words, and almost thoughts, of the “suspected,” or of whomsoever they please to place upon that fatal list. They assume no distinctive dress—make no sign; they walk in darkness, and move like the pestilence, yet they are as real existences, and follow as precise a trade, as the vendor of maccaroni. These spies are not sent forth at random, like gleaners in a wheat-field, to pick up whatever they can; but they are selected with caution, and assigned a position for which their talents or rank best fit them. Thus it happens that every grade of society has its appropriate peculiar sort of spies. Some are appointed to watch over the upper classes; some over the *canaglia*; some over the clergy; all watch each other. Enter a drawing-room, and rustling in satin, and distributing the courtesies and refinements of the *galleria* (drawing-room), you may behold a Government Spy. Beauty and refinement unite to lament the fate of the poor Marchese Maroni, who was arrested yesterday; nay, two crystal drops confirm the grief of the sympathising syren—“It was so hard a case. There was really nothing that could be proved against his Eccellenza. Alas! who is safe under the existing order of things—is there no hope—will there never be any change?” But beware—fall not into the meshes, though they may be woven of silk; be silent or indifferent; the very lips which pronounced these commiserations, are those which a few hours ago denounced the subject of them to the Government. You adjourn, at the close of the Opera, to a *café*; you are accompanied by several friends, and feel disposed to relax over a glass of iced punch—’tis so hot—and from one topic of conversation you range to another, as if you were breathing the air of liberty. But who is that sleek old gentleman opposite, whose keen and cunning eye glances occasionally at you from above this paper? He has been seated there, I know not how long, spelling rather than reading yesterday’s paper; yet he has a benevolent expression of countenance; perhaps he is infirm, poor fellow, or is looking for an advertisement; perhaps some article has interested him. Phaugh! waste not your compassion or your speculation upon him—he is a Spy! he has been taking notes, and woe be to you if you have been betrayed into any thoughtless expression of opinion; for every word is registered. What corner of the city, or the country, what class of society is free from this pest! Nor is all this merely imaginary. I paint from the life, and could adduce instances of betrayal in the belle of high society, or in the shopman at the counter, in the caburan who takes your paltry *buonamancia*, or the friend you have cherished in your bosom.

For even private friendship is not held sacred. There was living in Naples, upwards of a year since, a Count Montinona, who appeared to have no particular object in view except the pursuit of pleasure. For many years he lavished his bounty and his friendship on another, who was at length discovered to have made somewhat free with the Count’s property; accusations ensued, and, though

compassion and a certain lingering recollection of the past did not permit the Count to cast the villain entirely off; yet he so far restricted his intimacy as to put it out of his power to rob him—"he was poor, and the temptation had been too great!" But what ensued?—This man denounced his friend as having concealed arms, and as entertaining free and dangerous opinions. Straightway the Count was arrested—his house and papers were examined, though nothing could be found to implicate him or to prove the charge; yet for many, many months he pined away in prison. I never heard when he was released, or if he is yet at liberty. All that time the informer ranged about at his own sweet will, to entrap as many new jail victims as he could make.

The effect of the Spy System on the national character is exceedingly demoralising. There is no country in Europe where the low, secret vices, as opposed to those of a bolder, opener, and more ferocious character, exist so strongly as in the South of Italy. There, the result of that timidity and want of faith in what is good, and just, and true, which has been engendered by intrigue, is practised in its most comprehensive sense. The Secret Police system is one of the very many causes of this. To appreciate this thoroughly, you must regard it as being not merely a political institution, but as having now become national; people have followed the example which has been set them, and have all become spies—spies on each other's actions, words, and thoughts. Sometimes this habit is pursued to the extent only of simple curiosity, watching, investigating, and reporting the commonest trifles. Sometimes it is a little more malignant, and engages, almost as a pastime, in embroiling individuals or families. Sometimes it pushes further, and furnishes denunciations to the Priest, the Bishop, the Intendente, or the Minister. I have seen it under all its phases, and the effect has been to produce a want of faith in all that is high, generous and noble, and to form a low national character.

It is more ridiculous and annoying than can well be imagined, to get behind the scenes of Italian life, and listen to the daily gossip:—How such an one "*ha fatto un' riconoscimento*" against this or that person. How Don So and So has written certain letters to the Intendente, containing charges against another Don, and has forged two signatures. How So and So has been to the bishop and laid a long list of crimes at the door of some luckless priest. Then watch the tempest of official papers which fly through the air; some contain inquiries into the truth of the statements, addressed to the judge or the syndic; some are orders to a dozen unfortunate wights to present themselves at the Intendenza; while others contain ghostly reproofs from the bishop, or orders to suspend a priest at his reverence's will and pleasure, and rusticate him in some monastery. Every denunciation is received and inquired into.

I remember an instance of two men who kept a whole district in inquietude during one winter. Both had received some private offence, and straightway each shrank into a corner and wove his envenomed meshes; charges were devised and letters written to the Intendente, accusing some score of their friends of Carbonarism or constitutionalism; then came the usual dispatches to the

judge and other authorities to inquire into the truth of the statements. The judge, it happened, was friendly with the unfortunate denounced, and drew up therefore a favourable report, but had he been less honest or less amicable, these poor fellows might have swelled the number of those who now pine in the prisons of the Vicaria.

Indeed, the influence of the Police Spy System (united with other causes,) has been such as to convert the whole nation into spies upon each other. As suspicion and want of confidence universally prevail, so there is a deficiency of truthfulness. This cannot be more strongly proved than by the admission of the Italians themselves who, when wishing to conciliate your belief, tell you that they speak "*la parola Inglese*,"—on the word of an Englishman.

THE METROPOLITAN PROTECTIVES.

Nervous old ladies, dyspeptic half-pay officers, suspicious quidnuncs, plot-dreading diplomatists, and grudging rate-payers, all having the fear of the forthcoming Industrial Invasion before their eyes, are becoming very anxious respecting the adequate efficiency of the London Police. Horrible rumors are finding their way into most of the clubs: reports are permeating into the tear-parties of suburban dowagers which darkly shadow forth dire mischief and confusion, the most insignificant result whereof is to be (of course) the overthrow of the British Constitution. Conspiracies of a comprehensive character are being hatched in certain back parlors, in certain back streets behind Mr. Cantelo's Chicken Establishment in Leicester Square. A complicated web of machination is being spun—we have it on the authority of a noble peer—against the integrity of the Austrian Empire, at a small coffee-shop in Soho. Prussia is being menaced by twenty-four determined Poles and Honveds in the attics of a cheap *restaurateur* in the Haymarket. Lots are being cast for the assassination of Louis Napoleon, in the inner parlours of various cigar shops. America, as we learn from that mighty lever of the civilised world, the "New York Weekly Herald"—at whose nod, it is well known, kings tremble on their thrones, and the earth shakes—is of opinion that the time bids fair for a descent of Red Republicans on Manchester. The English policemen have been tampered with, and are suborned. The great Mr. Justice Maule can't find one anywhere. In short, the peace of the entire continent of Europe may be considered as already gone. When the various conspiracies now on foot are ripe, the armies of the disaffected of all nations which are to land at the various British ports under pretence of "assisting" at the Great Glass show, are to be privately and confidentially drilled in secret *Champs de Mars*, and armed with weapons, stealthily abstracted from the Tower of London: while the Metropolitan Police and the Guards, both horse and foot, will fraternise, and (to a man) pretend to be fast asleep.

Neither have our prudent prophets omitted to foretel minor disasters. Gangs of burglars from the counties of Surrey, Sussex, and Lancashire, are also to

fraternise in London, and to "rifle, rob, and plunder," as uninterrupted as if every man's house were a mere Castle of Andalusia. Pickpockets—not in single spies but in whole battalions—are to arrive from Paris and Vienna, and are to fall into compact organization (through the medium of interpreters) with the united swell-mobs of London, Liverpool, and Manchester!

In short, it would appear that no words can express our fearful condition, so well, as Mr. Croaker's in "The Good Natured Man." "I am so frightened," says he, "that I scarce know whether I sit, stand, or go. Perhaps at this moment I am treading on lighted matches, blazing brimstone, and barrels of gunpowder. They are preparing to blow me up into the clouds. Murder! We shall be all burnt in our beds!"

Now, to the end that the prophets and their disciples may rest quietly in *their* beds, we have benevolently abandoned our own bed for some three nights or so, in order to report the results of personal inquiry into the condition and system of the Protective Police of the Metropolis:—the Detective Police has been already described in the first volume of "Household Words." If, after our details of the patience, promptitude, order, vigilance, zeal, and judgment, which watch over the peace of the huge Babylon when she sleeps, the fears of the most apprehensive be not dispelled, we shall have quitted our pillow, and plied our pen in vain! But we have no such distrust.

Although the Metropolitan Police Force consists of nineteen superintendents, one hundred and twenty-four inspectors, five hundred and eighty-five serjeants, and four thousand seven hundred and ninety-seven constables, doing duty at twenty-five stations; yet, so uniform is the order of proceeding in all, and so fairly can the description of what is done at one station be taken as a specimen of what is done at the others, that without farther preface, we shall take the reader into custody, and convey him at once to the Police Station, in Bow Street, Covent Garden.

A policeman keeping watch and ward at the wicket gives us admission, and we proceed down a long passage into an outer room, where there is a barrack bedstead, on which we observe Police-constable Clark, newly relieved, asleep, and snoring most portentously—a little exhausted, perhaps, by nine hours' constant walking on his beat. In the right-hand corner of this room—which is a bare room like a guard-house without the drums and muskets—is a dock, or space railed off for prisoners: opposite, a window breast-high at which an Inspector always presides day and night to hear charges. Passing by a corner-door into his office on the other side of this window, we find it much like any other office—inky, dull, and quiet—papers stuck against the walls—perfect library of old charges on shelves overhead—stools and desks—a hall-porter's chair, little used—gaslights—fire—sober clock. At one desk stands a policeman, duly coated and caped, looking stiffly over his glazed stock at a handbill he is copying. Two Inspectors sit near, working away at a great rate with noisy pens that sound like little rattles.

The clock points a quarter before nine. One of the Inspectors takes under his

arm a slate, the night's muster roll, and an orderly book. He proceeds to the Yard. The gas jet, shining from the office through its window, and a couple of street lamps indistinctly light the place.

On the appearance of the inspecting officer in the yard, and at the sound of the word "Attention!" about seventy white faces, peering out above half-a-dozen parallel lines of dark figures, fall into military ranks in "open order." A man from each section—a Serjeant—comes forward to form the staff of the commanding officer. The roll is called over, and certain men are told off as a Reserve to remain at the station for any exigencies that may arise. The book is then opened, and the Inspector reads aloud a series of warnings. P. C. John Jones, J. No. 202, was discovered drunk on duty on such a day, and dismissed the force. Serjeant Jenkins did not report that a robbery had been complained of in such a street, and is suspended for a month. The whole division are then enlightened as to the names, addresses, ages, and heights, of all persons who have been "missing" from a radius of fifteen miles from Charing Cross (the police definition of the Metropolis) since the previous night; as to the colours of their hair, eyes, and clothes; as to the cut of their coats, the fashion and material of their gowns, the shape of their hats or bonnets, the make of their boots. So minute and definite are all these personal descriptions, that a P. C. (the official ellipsis for Police Constable) must be very sleepy, or unusually dull of observation, if in the event of his meeting with any of these missing individuals, he does not put them in train of restoration to their anxious friends. Lost articles of property are then enumerated and described with equal exactness. When we reflect that the same routine is being performed at the same moment at the head of every police regiment or division in the Metropolis, it seems extraordinary how anything or person *can* be lost in London. Among the trifles enumerated as "found" are a horse and cart, a small dog, a brooch, a baby, and a firkin of butter.

Emotion is no part of a policeman's duty. If felt, it must be suppressed; he listens as stolidly to the following account of the baby, as to the history of the horse and cart, the little dog, the brooch, and the butter.

S. DIVISION. Found, at Eight and a quarter p.m., on the 2nd instant, by [a gentleman named], of Bayham Street, Camden Town, on the step of his door, the body of a new-born infant, tied up in a Holland Bag. Dressed in a Calico Bed-gown and Muslin Cap, trimmed with Satin Ribbon. Also a note, stating, "Any one who finds this precious burden, pay him the last duties which a Mother—much in distress and trouble of mind—is unable to do. May the blessing of God be on you!"

The book is closed. The mother "much in distress and trouble of mind" is shut up with it; and the Inspector proceeds to make his inspection. He marches past each rank. The men, one by one, produce their kit; consisting of lantern, rattle, and staff. He sees that each man is clean and properly provided for the duties of the night. Returning to his former station amidst the serjeants, he gives the word "Close up!"

The men now form a compact body, and the serjeants take their stand at the

head of their respective ranks. But, before this efficient body of troops deploy to their various beats, they are addressed by the superior officer much as a colonel harangues his regiment before going into action. The inspector's speech—sharp, and pithily delivered—is something to this effect:

“Now, men, I must again beg of you to be very careful in your examination of empty houses. See that the doors are fast; and if not, search for any persons unlawfully concealed therein. Number nineteen section will allow no destitute parties to herd together under the Adelphi arches. Section number twenty-four will be very particular in insisting on all gentlemen's carriages [it is an opera night] keeping the rank, close to the kerb stone, and in cautioning the coachmen not to leave their horses. Be sure and look sharp after flower-girls. Offering flowers for sale is a pretence. The girls are either beggars or thieves; but you must exercise great caution. You must not interfere with them unless you actually hear them asking charity, or see them trying pockets, or engaged in actual theft. The chief thing, however, is the empty houses; get from them into the adjoining premises, and then there's a burglary.—'Tention, to the left face, march!”

The sections march off in Indian file, and the Inspector returns to his office by one door, while the half-dozen “Reserves” go into the outer-room by another. The former, now buttons on his great coat; and, after supper, will visit every beat in the division, to see that the men are at their duties. The other Inspector remains to take the charges.

A small man, who gives his name, Mr. Spills, (or for whom that name will do in this place as well as another), presents himself at the half-open window to complain of a gentleman now present, who is stricken in years, bald, well dressed, staid in countenance, respectable in appearance, and exceedingly drunk. He gazes at his accuser from behind the dock, with lack-lustre penitence, as that gentleman elaborates his grievance to the patient Inspector; who, out of a tangle of digressions and inuendoes dashed with sparkling scraps of club-room oratory, extracts—not without difficulty—the substance of the complaint, and reduces it to a charge of “drunk and disorderly.” The culprit, it seems, not half an hour ago—purely by accident—found his way into Craven Street, Strand. Though there are upwards of forty doors in Craven Street, he *would* kick, and thump, and batter the complainant's door. No other door would do. The complainant don't know why; the delinquent don't know why; nobody knows why. No entreaty, no expostulation, no threat, could induce him to transfer his favors to any other door in the neighbourhood. He was a perfect stranger to Mr. Spills; yet, when Mr. Spills presented himself at the gate of his castle in answer to the thundering summons, the prisoner insisted on finishing the evening at the domestic supper-table of the Spills family. Finally, the prisoner emphasised his claim on Mr. Spills's hospitality by striking Mr. Spills on the mouth. This led to his being immediately handed over to the custody of a P. C.

The defendant answers the usual questions as to name and condition, with a drowsy indifference peculiar to the muddled. But, when the Inspector asks

his age, a faint ray of his spirit shines through him. What is that to the police? Have they anything to do with the census? They may lock him up, fine him, put him in jail, work him on the tread-mill, if they like. All this is in their power; he knows the law well enough, Sir; but they can't make him tell his age—and he won't—won't do it, Sir!—At length, after having been mildly pressed, and cross-examined, and coaxed, he passes his fingers through the few grey hairs that fringe his bald head, and suddenly roars:

“Well then:—Five-and-twenty.”

All the policemen laugh. The prisoner—but now triumphant in his retort—checks himself, endeavours to stand erect, and surveys them with defiance.

“Have you anything about you, you would like us to take care of?” This is the usual apology for searching a drunken prisoner: searches cannot be enforced except in cases of felony.

Before the prisoner can answer, one of the Reserves eases him of his property. Had his adventures been produced in print, they could scarcely have been better described than by the following articles:—a pen-knife, an empty sandwich-box, a bunch of keys, a bird's eye handkerchief, a sovereign, fivepence in half-pence, a tooth-pick, and a pocket-book. From his neck is drawn a watch-guard, cut through,—no watch.

When he is sober, he will be questioned as to his loss; a description of the watch, with its maker's name and number will be extracted from him; it will be sent round to every station, and, by this time to-morrow night, every pawn-broker in the Metropolis will be asked whether such a watch has been offered as a pledge? Most probably it will be recovered and restored before he has time to get tipsy again—and when he has, he will probably lose it again.

“When shall I have to appear before the magistrate?” asks the prosecutor.

“At ten o'clock to-morrow morning,”—and so ends that case.

There is no peace for the Inspector. During the twenty-four hours he is on duty, his window is constantly framing some new picture. For some minutes, a brown face with bright black eyes has been peering impatiently from under a quantity of tangled black hair and a straw hat behind Mr. Spills. It now advances to the window.

“Have you got e'er a gipsy woman here, sir?”

“No gipsy woman to-night.”

“Thank'ee, sir:” and the querist retires to repeat this new reading of “Shepherds, I have lost my love,” at every other station-house, till he finds her—and bails her.

Most of the constables who have been relieved from duty by the nine o'clock men have now dropped in, and are detailing any thing worthy of a report to their respective serjeants. The serjeants enter these occurrences on a printed form. Only one is presented, now:—

“P. C. 67 reports that, at 5½ P.M., a boy, named Phillip Isaac was knocked down, in Bow Street, by a horse belonging to Mr. Parks, a news-vender. He was taken to Charing-Hospital, and sent home, slightly bruised.”

The Inspector has not time to file this document before an earnest-looking man comes to the window. Something has happened which evidently causes him more pain than resentment.

"I am afraid we have been robbed. My name is Parker, of the firm of Parker and Tide, Upholsterers. This afternoon at three o'clock, our clerk handed to a young man who is our collector, (he is only nineteen), about ninety-six pounds to take to the bank. He ought to have been back in about fifteen minutes; but he hadn't come back at six o'clock. I went to the bank to see if the cash had been paid in, and he had not."

"Be good enough to describe his person and dress, sir," says the Inspector, taking out a printed form called "a Route."

These are minutely detailed, and recorded. "Has he any friends or relatives in London?"

The applicant replies by describing the residence and condition of the youth's father and uncle. The Inspector orders "Ninety-two (one of the Reserves) to go with the gentleman, "and see what he can make of it." The misguided delinquent's chance of escape will be lessened every minute. Not only will his usual haunts be visited in the course of the night by Ninety-two; but his description will be known, before morning, by every police officer on duty. This Route,—which is now being copied by a Reserve into a book—will be passed on, presently to the next station. There it will again be copied; passed on to the next; copied; forwarded—and so on until it shall have made the circuit of all the Metropolitan stations. In the morning, that description will be read to the men going on duty. "Long neck, light hair, brown clothes, low crowned hat," and so on.

A member of the E division throws a paper on the window-sill, touches his hat, exclaims, "Route, sir!" and departs.

The Routes are coming in all night long. A lady has lost her purse in an omnibus. Here is a description of the supposed thief—a woman who sat next to the lady—and here are the dates and numbers of the bank notes, inscribed on the paper with exactness. On the back, is an entry of the hour at which the paper was received at, and sent away from, every station to which it has yet been. A reserve is called in to book the memorandum; and in a quarter of an hour he is off with it to the station next on the Route. Not only are these notices read to the men at each relief, but the most important of them are inserted in the "Police Gazette," the especial literary organ of the Force, which is edited by one of its members.

A well dressed youth about eighteen years of age, now leans over the window to bring himself as near to the Inspector as possible. He whispers in a broad Scotch accent:

"I am destitute. I came up from Scotland to find one Saunders M'Alpine, and I can't find him, and I have spent all my money. I have not a farthing left. I want a night's lodging."

"Reserve!" The Inspector wastes no words in a case like this.

"Sir."

"Go over to the relieving officer and ask him to give this young man a night in the casual ward."

The policeman and the half-shamed supplicant go out together.

"That is a genuine tale," remarks the Inspector.

"Evidently a fortune-seeking young Scotchman," we venture to conjecture, "who has come to London upon too slight an invitation, and with too slender a purse. He has an honest face, and won't know want long. He may die Lord Mayor."

The Inspector is not sanguine in such cases. "He *may*," he says.

There is a great commotion in the outer office. Looking through the window, we see a stout bustling woman, who announces herself as a complainant, three female witnesses, and two policemen. This solemn procession move towards the window; yet we look in vain for a prisoner. The prisoner is in truth invisible on the floor of the dock, so one of his guards is ordered to mount him on a bench. He is a handsome, dirty, curly-headed boy about the age of seven, though he says he is nine. The prosecutrix makes her charge.

"Last Sunday, sir, (if you please, sir, I keep a cigar and stationer's shop,) this here little creetur breaks one of my windows, and the moment after, I loses a box of paints—"

"Value?" asks the Inspector, already entering the charge, after one sharp look at the child.

"Value, sir? Well, I'll say eight-pence. Well, sir, to-night again, just before shutting up, I hears another pane go smash. I looks, out and I sees this same little creetur a running away. I runs after him, and hands him over to the police."

The child does not exhibit the smallest sign of fear or sorrow. He does not even whimper. He tells his name and address, when asked them, in a straightforward business-like manner, as if he were quite used to the whole proceeding. He is locked up; and the prosecutrix is desired to appear before the Magistrate in the morning to substantiate her charge.

"A child so young, a professional thief!"

Ah! These are the most distressing cases we have to deal with. The number of children brought here, either as prisoners, or as having been lost, is from five to six thousand per annum. Juvenile crime and its forerunner—the neglect of children by their parents—is still on the increase. That's the experience of the whole Force."

"If some places were provided at which neglected children could be made to pass their time, instead of in the market and streets—say in industrial schools provided by the nation—juvenile delinquency would very much decrease?"

"I believe, sir, (and I speak the sentiments of many experienced officers in the Force,) that it would be much lessened, and that the expense of such establishments would be saved in a very short time out of the police and county rates. Let alone morality altogether."

And the Inspector resumes his writing. For a little while we are left to think, to the ticking of the clock.

There are six hundred and fifty-six gentlemen in the English House of Commons assembling in London. There is not one of those gentlemen who may not, in one week, if he chooses, acquire as dismal a knowledge of the Hell upon earth in which he lives, in regard to these children, as this Inspector has—as we have—as no man can by possibility shut out, who will walk this town with open eyes observant of what is crying to God in the streets. If we were one of those six hundred and fifty-six, and had the courage to declare that we know the day *must come* when these children must be taken, by the strong hand, out of our shameful public ways, and must be rescued—when the State must (no will, or will not in the case, but must) take up neglected and ignorant children wheresoever they are found, severely punishing the parents when they can be found, too, and forcing them, if they have any means of existence, to contribute something towards the reclamation of their offspring, but never again entrusting them with the duties they have abandoned;—if we were to say this, and were to add that as the day must come, it cannot come too soon, and had best come now—Red Tape would arise against us in ten thousand shapes of virtuous opposition, and cocks would crow, and donkeys would bray, and owls would hoot, and strangers would be espied, and houses would be counted out, and we should be satisfactorily put down. Meanwhile, in Aberdeen, the horror has risen to that height, that against the law, the authorities have by force swept their streets clear of these unchristian objects, and have, to the utmost extent of their illegal power, successfully done this very thing. Do none of the six hundred and fifty-six know of it—do none of them look into it—do none of them lay down their newspapers when they read of a baby sentenced for the third, fourth, fifth, sixth, seventh time to imprisonment and whipping, and ask themselves the question, “Is there any earthly thing this child can do when this new sentence is fulfilled, but steal again, and be again imprisoned and again flogged, until a precocious human devil, it is shipped away to corrupt a new world?” Do none of the six hundred and fifty-six, care to walk from Charing Cross to White-chapel—to look into Wentworth Street—to stray into the lanes of Westminster—to go into a prison almost within the shadow of their own Victoria Tower—to see with their eyes and hear with their ears, what such childhood is, and what escape it has from being what it is? Well! Red Tape is easier, and tells far more in blue books, and will give you a committee five years long if you like, to enquire whether the wind ever blows, or the rain ever falls—and then you can talk about it, and do nothing.

Our meditations are suddenly interrupted.

“Here’s a pretty business!” cries a pale man in a breathless hurry, at the window. “Somebody has been tampering with my door-lock!”

“How do you mean, sir?”

“Why, I live round the corner, and I had been to the play, and I left my door on the lock (it is a Chubb!) and I come back and the lock won’t act. It has been tampered with. There either are, or have been, thieves in the place!”

“Reserve!”

“Sir!”

"Take another man with you, and a couple of ladders, and see to this gentleman's house."

A sallow anxious little man rushes in.

"O! you haven't seen anything of such a thing as a black and tan spaniel, have you?"

"Is it a spaniel dog we have got in the yard?" the Inspector inquires of the jailer.

"No, sir, it's a brown tarrier!"

"O! It can't be my dog then. A brown tarrier? O! Good night, gentlemen! Thank you."

"Good night sir."

The Reserve just now dispatched with the other man and the two ladders, returns, gruff-voiced and a little disgusted.

"Well? what's up round the corner?"

"Nothing the matter with the lock, sir. I opened it with the key directly!"

We fall into a doze before the fire. Only one little rattle of a pen is springing now, for the other Inspector has put on his great coat and gone out, to make the round of his beat and look after his men. We become aware in our sleep of a scuffling on the pavement outside. It approaches, and becomes noisy and hollow on the boarded floor within. We again repair to the window.

A very ill-looking woman in the dock. A very stupid little gentleman, very much overcome with liquor, and with his head extremely towzled, endeavouring to make out the meaning of the two immoveable Policemen, and indistinctly muttering a desire to know "war it's awr abow."

"Well?" says the Inspector, possessed of the case in a look.

"I was on duty, sir, in Lincoln's Inn Fields just now," says one of the Policemen, "when I see this gent"—

Here "this gent," with an air of great dignity, again observes, "Mirrer Inspererr, I requesher know war it's awr abow."

"We'll hear you presently, sir. Go on."

"—When I see this gent, in conversation again the railings with this woman, I requested him to move on, and observed his watch-guard hanging loose out of his pocket. 'You've lost your watch,' I said. Then I turned to her. 'And you've got it,' I said. 'I an't,' she said. Then she said, turning to him, 'You know you've been in company with many others to-night—flower-girls, and a lot more.' 'I shall take you,' I said, 'anyhow.' Then I turned my lantern on her, and saw this silver watch, with the glass broke, lying behind her on the stones. Then I took her into custody, and the other constable brought the gent along."

"Jailer!" says the Inspector.

"Sir!"

"Keep your eye on her. Take care she don't make away with anything—and send for Mrs. Green."

The accused sits in a corner of the dock, quite composed, with her arms under

her dirty shawl, and says nothing. The Inspector folds a charge-sheet, and dips his pen in the ink.

"Now, sir, your name, if you please?"

"Ba—a."

"*That* can't be your name, sir. What name does he say, Constable?"

The second Constable "seriously inclines his ear," the gent being a short man, and the second constable a tall one. "He says his name's Bat, sir;" (getting at it after a good deal of trouble.)

"Where do you live," Mr. Bat?"

"Lamber."

"And what are you—what business are you, Mr. Bat?"

"Fesher," says Mr. Bat, again collecting dignity.

"Profession, is it? Very good, sir. What's your profession?"

"Solirrer," returns Mr. Bat.

"Solicitor, of Lambeth. Have you lost anything besides your watch, sir?"

"I am not aware—lost—any—arrickle—prorrery," says Mr. Bat.

The Inspector has been looking at the watch.

"What do you value this watch at, sir?"

"Ten pound," says Mr. Bat, with unexpected promptitude.

"Hardly worth so much as that, I should think?"

"Five pound five," says Mr. Bat. "I doro how much; I'm not par-tick-ler"—this word costs Mr. Bat a tremendous effort—"abow the war; it's not my war; it's a frez of my."

"If it belongs to a friend of yours, you wouldn't like to lose it, I suppose?"

"I doro," says Mr. Bat, "I'm nor any ways par-tick-ler abow the war; it's a frez of my;" which he afterwards repeats at intervals, scores of times—always as an entirely novel idea.

Inspector writes; brings charge-sheet to window; reads same to Mr. Bat.

"You charge this woman, sir,"—her name, age and address have been previously taken—"with robbing you of your watch. I won't trouble you to sign the sheet, as you are not in good writing order. You'll have to be here this morning—it's now two—at a quarter before ten."

"Never get up till har par," says Mr. Bat, with decision.

"You'll have to be here this morning," repeats the Inspector, placidly, "at a quarter before ten. If you don't come, we shall have to send for you, and that might be unpleasant. Stay a bit. Now, look here; I have written it down: 'Mr. Bat to be in Bow Street quarter before ten.' Or I'll even say, to make it easier to you, a quarter past. There! 'Quarter past ten.' Now, let me fold this up and put it in your pocket; and when your landlady, or whoever it is at home, finds it there, she'll take care to call you."

All of which is elaborately done for Mr. Bat. A constable—who has skilfully taken a writ out of the unconscious Mr. Bat's pocket in the meantime, and has discovered from the indorsement that he has given his name and address correctly—receives instructions to put Mr. Bat into a cab and send him home.

"And, constable," says the Inspector to the first man, musing over the watch as he speaks, "do you go back to Lincoln's Inn Fields, and look about, and you'll find, somewhere, the little silver pin belonging to the handle. She has done it in the usual way, and twisted the pin right out."

"What mawrer is it?" says Mr. Bat, staggering back again, "T' morrow-mowrer?"

"Not to-morrow morning; this morning."

"*This* mawrer?" says Mr. Bat. "How can it be this mawrer? *War* is this aur abow?"

As there is no present probability of his discovering "what it is all about," he is conveyed to his cab; and a very indignant matron, with a very livid face, a trembling lip, and a violently heaving breast, presents herself.

"Which I wishes to complain immediate of Pleeseman forty-two and fifty-three, and insistes on the charge being took; and that I will substantiate before the magistrates to-morrow morning, and what is more will prove and which is saying a great deal sir."

"You needn't be in a passion, you know, here, ma'am; everything will be done correct."

"Which I *am* not in a passion sir and everything shalt be done correct, if you please!" drawing herself up with a look designed to freeze the whole division. "I make a charge immediate (very rapidly) against pleesemen forty-two and fifty-three, and insistes on the charge being took."

"I can't take it till I know what it is," returns the patient Inspector, leaning on the window-sill, and making no hopeless effort, as yet, to write it down.

"How was it, ma'am?"

"This is how it were, sir. I were standing at the door of my own 'ouse."

"Where is your house, ma'am?"

"*Where* is my 'ouse, sir?" with the freezing look.

"Yes, ma'am. Is it in the Strand, for instance?"

"No, sir," with indignant triumph, "it is *not* in the Strand!"

"Where then, ma'am?"

"Where then, sir?" with severe sarcasm, "I '*ope* it is in Doory Lane."

"In Drury Lane. And what is your name, ma'am?"

"*My* name, sir?" with inconceivable scorn, "my name is Megby."

"Mrs. Megby?"

"Sir, I '*ope* so!" with the previous sarcasm. Then, very rapidly, "I keep a coffee-house, as I will substantiate to-morrow morning, and what is more will prove, and that is saying a great deal." Then, still more rapidly, "I wish to make a charge immediate against pleesemen forty-two and fifty-three!"

"Well, ma'am, be so good as make it."

"I were standing in my door," falling of a sudden into a genteel and impressive slowness, "in conversation with a friend, a gentleman from the country, which his name is Henery Lupvitch, *Es*-quire—"

"Is he here, ma'am?"

"No, sir," with surpassing scorn, "he is *not* here!"

"Well, ma'am?"

"With Henery Lupvitch, *Es-quire*, and which I had just been hissing directions to two of my servants, when here come between us a couple of female persons, which I know to be the commonest dirt, and pushed against me."

"Both of them pushed against you."

"No, sir," with scorn and triumph, "they did *not*! One of 'em pushed against me—" A dead stoppage, expressive of implacable gentility.

"Well, ma'am—did you say anything then?"

"I ask your parding. Did I which, sir?" as compelling herself to fortitude under great provocation.

"Did you say anything?"

"I *ope* I did. I says, 'how dare you do that, ma'am?'"

Stoppage again, expressive of a severe desire that those words be instantly taken down.

"You said, 'how dare you do that?'"

"'Nobody,' continuing to quote with a lofty and abstracted effort of memory, 'never interfered with you.' She replies, 'That's nothink to you ma'am; never you mind.'"

Another pause, expressive of the same desire as before. Much incensed at nothing resulting.

"She then turns back between me and Henery Lupvitch, *Es-quire*, and commits an assault upon me, which I am not a acquisition and will not endoor or what is more submit to."

What Mrs. Megby means by the particular expression that she is not an acquisition, does not appear; but she turns more livid, and not only her lip but her whole frame trembles as she solemnly repeats, "I am not a acquisition."

"Well, ma'am; then forty-two and forty-three and fifty-three came up—"

"No, they did *not*, sir; nothing of the sort!—I called 'em up."

"And you said?"

"Sir?" with tremendous calmness.

"You said?"—

"*I made the observation*," with strong emphasis and exactness, "I give this person in charge for assaulting of me. Forty-two says, 'O, ye're not hurt; don't make a disturbance here.' Fifty-three likewise declines to take the charge. Which," with greater rapidity than ever, "is the two pleesemen I am here to appear against; and will be here at nine to-morrow morning, or at height if needful, or at seven—hany hour—and as a 'ouse'older demanding the present charge to be reg'larly hentered against pleesemen respectfully numbered forty-two and fifty-three, which shall be substantiated by day or night or morning—which is more—for I am not a acquisition, and what those pleesemen done sir the shall answer!"

The Inspector—whose patience is not in the least affected—being bow possessed of the charge, reduces it to a formal accusation against two P. C's., for

neglect of duty, and gravely records it in Mrs. Megby's own words, with such fidelity that, at the end of every sentence, when it is read over, Mrs. Megby, comparatively softened, repeats, "Yes, sir, which it is correct!" and afterwards signs, as if her name was not half long enough for her great revenge.

On the removal of Mrs. Megby's person, Mr. Bat, to our great amazement, is revealed behind her.

"I say! is it t'morrow mawrer?" asks Mr. Bat, in confidence.

"He has got out of the cab," says the Inspector, whom nothing surprises, "and will be brought in, in custody, presently! No; this morning. Why don't you go home?"

"*This mawrer!*" says Mr. Bat, profoundly reflecting. "How car it be *this mawrer*? It must be yesserday mawrer."

"You had better make the best of your way home, sir," says the Inspector.

"No offence is interrerr," says Mr. Bat. "I happened to be passing—this dirrection—when—saw door open—kaymin. It's a frez of my—I am nor—" he is quite unequal to the word "particular" now, so concludes with "you know war I me!—I am aw ri! I shall be here in the mawrer!" and stumbles out again.

The watch-stealer, who has been removed, is now brought back. Mrs. Green (the searcher) reports to have found upon her some halfpence, two pawnbroker's duplicates, and a comb. All produced.

"Very good. You can lock her up now, jailer. What does she say?"

"She says can she have her comb, sir?"

"Oh yes, she can have her comb; take it." And away she goes to the cells, a dirty, unwholesome object, designing, no doubt, to comb herself out for the magisterial presence in the morning.

"O! please sir, you have got two French ladies here, in brown shot silk? says a woman with a basket. (We have changed the scene to the Vine-street Station House, but its general arrangement is just the same.)

"Yes."

"Will you send 'em in this fowl and bread for supper, please?"

"They shall have it; hand it in."

"Thank'ee, sir; good night, sir!"

The Inspector has eyed the woman, and now eyes the fowl. He turns it up, opens it neatly with his knife, takes out a little bottle of brandy, artfully concealed wthin it, puts the brandy on a shelf as confiscated, and sends in the rest of the supper.

What is this very neat new trunk in a corner, carefully corded?

It is here on a charge of "drunk and incapable." It was found in Picadilly to-night (with a young woman sitting on it), and is full of good clothes, evidently belonging to a domestic servant. Those clothes will be rags soon, and the drunken woman will die of gin, or be drowned in the river.

We are dozing by the fire again, and it is past three o'clock, when the stillness (only invaded at intervals by the head voices of the two French ladies talking in

their call—no other prisoners seem to be awake) is broken by the complaints of a woman and the cries of a child. The outer door opens noisily, and the complaints and the cries come nearer, and come into the dock.

"What's this?" says the Inspector, putting up the window. "Don't cry there, don't cry!"

A rough-headed, miserable little boy of four or five years old, stops in his crying and looks frightened.

"This woman," says a wet constable, glistening in the gaslight, "has been making a disturbance in the street for hours, on and off. She says she wants relief. I have warned her off my beat over and over again, sir; but it's of no use. She took at last to rousing the whole neighborhood."

"You hear what the constable says. What did you do that for?"

"Because I want relief, sir."

"If you want relief, why don't you go to the relieving-officer?"

"I've been, sir, God knows; but I couldn't get any. I haven't been under a blessed roof for three nights, but have been prowling the streets the whole night long, sir; and I can't do it any more, sir; and my husband has been dead these eight months, sir; and I've nobody to help me to a shelter or a bit of bread, God knows."

"You haven't been drinking, have you?"

"Drinking, sir? Me, sir?"

"I am afraid you have. Is that your own child?"

"O yes, sir, he's my child!"

"He hasn't been with you in the streets three nights, has he?"

"No, sir. A friend took him in for me, sir; but couldn't afford to keep him any longer, sir, and turned him on my hands this afternoon, sir."

"You didn't fetch him away yourself, to have him to beg with, I suppose?"

"O no, sir! Heavens knows I didn't, sir!"

"Well (writing on a slip of paper), I shall send the child to the workhouse until the morning, and keep you here; and then if your story is true you can tell it to the magistrate, and it will be inquired into."

"Very well, sir. And God knows I'll be thankful to have it inquired into."

"Reserve!"

"Sir!"

"Take this child to the workhouse; here's the order. You go along with this man, my little fellow, and they'll put you in a nice warm bed, and give you some breakfast in the morning;—there's a good boy!"

The wretched urchin parts from his mother without a look, and trots contentedly away with the constable. There would be no very strong ties to break here, if the constable were taking him to an industrial school. Our honorable friend the member for Red Tape voted for breaking stronger ties than these, in workhouses, once upon a time; and we seem faintly to remember that he glorified himself upon that measure very much.

We shift the scene to Southwark; it is much the same. We return to Bow-

street; still the same excellent method, carefully administered, vigilant in all respects except this main one—prevention of ignorance, remedy for unnatural neglect of children, punishment of wicked parents, interposition of the State, as a measure of human policy, if not of human pity and accountability, at the very source of crime.

Our Inspectors hold that drunkenness, as a cause of crime, is in the ratio of two to one greater than any other cause. We doubt if they make due allowance for the cases in which it is the consequence or companion of crime, and not the cause; but we do not doubt its extensive influence as a cause alone. Of the seven thousand and eighteen charges entered in the books of Bow-street station during 1850, at least half are against persons of both sexes, for being "drunk and incapable." If offences be included which have been indirectly instigated by intoxication, the proportion rises to at least seventy-five per cent. As a proof of this, it can be demonstrated from the books at head quarters (Scotland Yard), that there was a great and sudden diminution of charges after the wise measure of shutting up public houses at twelve o'clock on Saturday nights.

Towards five o'clock, the number of cases falls off, and the business of the station dwindles down to charges against a few drunken women. We have seen enough, and we retire.

We have not wearied the reader, whom we now discharge, with more than a small part of our experience. We have not related how the two respectable tradesmen, "happening" to get drunk at "the house they used," first fought with one another, then "dropped into" a policeman, as that witness related in evidence, until admonished by his Inspector concerning the Queen's English; nor how one young person, resident near Covent Garden, reproached another young person in a loud tone of voice at three o'clock in the morning, with being "a shilling minx;" nor how that young person retorted that, allowing herself, for the sake of argument, to be a minx, she must yet prefer a claim to be a pound minx rather than a shilling one, and so they fell to fighting, and were taken into custody; nor how the first minx, piteously declaring that she had "left her place without a bit of key," was consoled, before having the police key turned upon herself, by the dispatch of a trusty constable to secure her goods and chattels from pillage; nor how the two smiths, taken up for "larking" on an extensive scale, were sorely solicitous about "a centre-punch" which one of them had in his pocket, and which, on being searched (according to custom) for knives, they expected never to see more; nor how the drunken gentleman of independent property, who, being too drunk to be allowed to buy a railway ticket, and being most properly refused, most improperly "dropped into" the railway authorities, complained to us, visiting his cell, that he was locked up on a foul charge, at which humanity revolted, and was not allowed to send for bail, and was this the bill of rights? We have seen that an incessant system of communication, day and night, is kept up between every station of the force; we have seen, not only crime speedily detected, but distress quickly relieved; we have seen regard paid to every application, whether it be an inquiry after a

gipsy woman, or a black-and-tan spaniel, or a frivolous complaint against a constable; we have seen that everything that occurs is written down, to be forwarded to head quarters; we have seen an extraordinary degree of patience habitually exercised in listening to prolix details, in relieving the kernel of a case from its almost impenetrable husk; we have seen how impossible it is for anything of a serious, of even an unusual nature to happen, without being reported; and that, if reported, additional force can be immediately supplied from each station, where from twenty to thirty men are always collected while off duty. We have seen that the whole system is well, intelligently, zealously worked; and we have seen, finally, that the addition of a few extra men will be all-sufficient for any exigencies which may arise from the coming influx of visitors.

Believe us, nervous old lady, dyspeptic half-pay, suspicious quidnunc, plot-dreading diplomatist, you may sleep in peace! As for you, trembling rate-payer, it is not to be doubted that, after what you have read, you will continue to pay your eightpence in the pound without a grudge.

And if either you, nervous old lady, or you, dyspeptic half-pay, or you, suspicious quidnunc, or you, plot-dreading diplomatist, or you, ungrudging rate-payer, have ever seen, or heard, or read of a vast city which a solitary watcher might traverse in the dead of night as he may traverse London, you are far wiser than we. It is daybreak on this third morning of our vigil—on, it may be, the three-thousandth morning of our seeing the pale dawn in these hushed and solemn streets. Sleep in peace! If you have children in your houses, wake to think of and to act for the doomed childhood that encircles you out of doors from the rising up of the sun unto the going down of the stars, and sleep in greater peace! There is matter enough for real dread there. It is a higher cause than the cause of any rotten government on the Continent of Europe, that, trembling, hears the Marseillaise in every whisper, and dreads a barricade in every gathering of men!

g
n
r
o
l